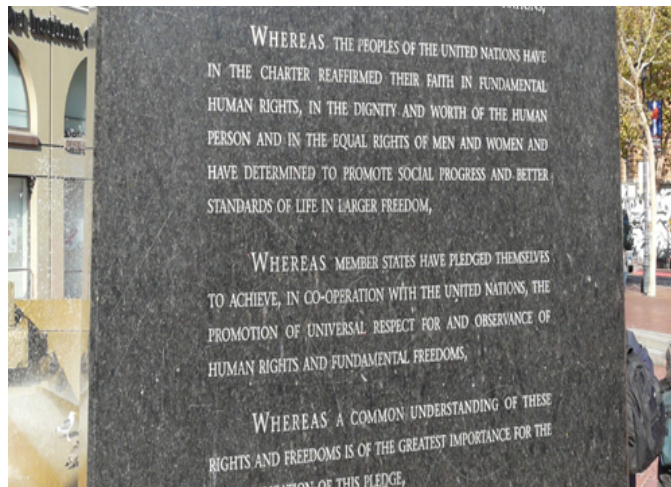




On the Frontier of Human Rights

GTI Roundtable

April 2018



Does the human rights vision embodied in the 1948 Universal Declaration of Human Rights offer a useful framework for systemic change? Kathryn Sikkink argues that, despite imperfections and a tumultuous postwar world, the human rights movement offers a beacon of hope and a building block for a better world. Our panel discusses the barriers to human rights, the relationship between rights and responsibilities, and the continued relevance of the framework.

Copyright © 2018 by the Great Transition Initiative

A project of the [Tellus institute](#), the [Great Transition Initiative](#) is an international collaboration for charting pathways to a planetary civilization rooted in solidarity, sustainability, and human well-being.

Under our Creative Commons BY-NC-ND copyright, you may freely republish our content, without alteration, for non-commercial purposes as long as you include an explicit attribution to the Great Transition Initiative and a link to the GTI homepage.



As an initiative for collectively understanding and shaping the global future, GTI welcomes diverse ideas. Thus, the opinions expressed in our publications do not necessarily reflect the views of GTI or the Tellus Institute.

Contributions

Opening Essay

Human Rights: Advancing the Frontier of Emancipation by Kathryn Sikkink	1
---	---

Roundtable

Greg Anderson	14
Luis Cabrera	19
Joseph Camilleri	22
Jonathan Cohn	30
Álvaro de Regil Castilla	33
Riane Eisler	38
Alice Froidevaux	45
Aaron Karp	47
Evelin Lindner	52
Noha Tarek	55
Allen White	59

Author's Response

Response to Comments by Kathryn Sikkink	62
---	----



Human Rights: Advancing the Frontier of Emancipation

Kathryn Sikkink

Abstract: Amidst bleak prognostications about the future, the human rights movement offers a beacon of hope for securing a livable world. The movement's universality, supranationalism, and expanding emancipatory potential serve as inspiration and guide for the larger project of global transformation. The sweeping vision embodied in the 1948 Universal Declaration of Human Rights has experienced constant renewal and steadfast legitimacy in the tumultuous postwar world. It has been a foundation for the pursuit of supranational governance and an antidote to the notion that the ends justify the means. The human rights movement, despite its imperfections, has a key role to play in the transformational change in human values crucial to building a just, flourishing future.

The human rights movement offers a story of resilience and expansion in the face of relentless setbacks.

Four Pillars

The coming decades will be critical for steering the global trajectory toward a just and sustainable world. Such an outcome will require a multifaceted global movement capable of driving transformative change in culture and institutions. Although this kind of movement does not yet exist, we can see it stirring in the efforts of myriad activists and organizations fighting for a better world and the ideas that inspire them to take action.

As human rights ideas and campaigns have long been central vehicles for emancipation, the history and evolution of the human rights movement offers valuable insights into how such large-scale change might emerge in the coming decades. The idea of human rights has animated campaigns for women's rights; racial equality, including the opposition to apartheid; and the rights of minorities, such as the disabled and the LGBTQ community. Increasingly, human rights are inspiring demands for social and economic rights to food, water, and housing as well. People all over the world have demanded human rights and helped create human rights norms and law. Countries have ratified dozens of important international treaties, which, in turn, have become tools for activists to mobilize support for the protection and expansion of rights.

For four key reasons, the human rights movement is well-positioned to inspire systemic global action. First, the human rights framework is *universal*. Despite criticism that human rights are merely a Western invention, modern human rights doctrine has a global history and provides a global purchase for activists fighting for justice. The body of human rights norms and law constitutes a belief system to which people, regardless of geography, culture, or birthright, have contributed, and can subscribe. Second, the human rights framework is *supranational*, thereby underscoring the limitations of national sovereignty and the need for concerted global action for achieving justice. Third, the human rights framework is intrinsically *emancipatory*. Liberating human potential lies at the core of human rights. When the pioneering 1948 Universal Declaration of Human Rights (UDHR) speaks of freedom of speech and religion, and freedom from want and insecurity, it reflects a worldview in which blending the unique capacities of individuals into an interdependent whole lies at the heart of thriving societies. Last, the human rights framework is *expansive*. Our understanding of human rights has broadened over time and will continue to do so. The vision of human rights inspires individuals to fight for its realization—and to demand more in each generation.

Indeed, the story of the human rights movement is one of resilience and expansion in the face of relentless setbacks and threats to its emancipatory vision. Seventy years after the adoption of the UDHR, the human rights movement remains a vital actor for a decent world. Its perseverance and triumphs provide a beacon of hope for global movement-building in a moment of rising nationalism, geopolitical instability, and climate chaos.

Universal: A Global Heritage

The human rights vision has come under attack in recent years, derided as ineffective or illegitimate, the province of starry-eyed idealists and sanctimonious imperialists. Some scholars and activists have argued that it is a Western invention imposed on the countries of the Global South against their will. To the contrary, the shift from national to international protection of human rights was often championed by activists, diplomats, and jurists from the Global South—and resisted by those from the Global North.¹ These advocates played a pivotal role in advancing the vision of international protection of rights embedded in the UDHR and subsequent international agreements.

Although the intellectual origins of human rights can be traced to the natural law debates of the seventeenth century or even earlier, the concept fully burst onto the global stage in the late eighteenth century in the context of the American and French Revolutions, and the accompanying US Bill of Rights and French Declaration of the Rights of Man and of the Citizen. As the nation-state took root in the mid-nineteenth century and became the foundation for the international order, questions about the duties and limits of sovereign states in securing human rights for their citizens intensified.

These early demands for human rights focused on the national protection of individual rights, that is, the belief that a government should protect the rights of its citizens. But if a government not only failed to protect the rights of its citizens, but was also the main violator of such rights, these individuals had nowhere to turn. The possibility of the international protection of human rights as we now know it was presented for the first time in writing by the Chilean jurist Alejandro Álvarez in 1916, but in the interwar period, the doctrine of absolute sovereignty, in which every state had complete jurisdiction over what happened within its borders, held sway. In other words, it was nobody else's business if a government abused citizens' rights, while criticism of another state's treatment of its citizens was deemed an intervention in that state's internal affairs. This view of sovereignty began to change as World War II and the Holocaust revealed its deep moral flaws. All over the world, individuals began to speak out against the doctrine of absolute sovereignty.

The international protection of human rights through law began with the San Francisco Conference of 1945, where the UN Charter was drafted. Although human rights were part of the Allied war aims, as exemplified by Franklin D. Roosevelt's Four Freedoms Speech, the Big Four (the UK, the US, the USSR, and China) were in the main reluctant to lend their support to the legal protection of individual rights, fearing that such international law could be used to critique their own practices. The United Kingdom was still an empire, the US was racially segregated under Jim Crow, and the USSR under Stalin routinely repressed its citizens. Thus, when the Big Four met in Dumbarton Oaks in 1944 to draft a charter for the United Nations, they excluded all but one mention of human rights. Only China, the weakest of the four, had pressed

International protection
of human rights was
championed by activists
from the Global South.

The emergence of human rights norms in Latin America challenges the simple narrative that norms come from powerful states.

for the inclusion of an explicit statement against racial discrimination in the draft UN Charter, but was rebuffed by the other three. Other Allied countries, however, came to the San Francisco Conference with explicit human rights agendas. Latin American countries, at the time democratic for the most part, even organized an extraordinary meeting at the Chapultepec Castle in Mexico City in February 1945—the Inter-American Conference on Problems of War and Peace—to formulate collective policy. Their joint commitment to human rights had a significant impact on the San Francisco Conference a few weeks later.

Also disappointed by the inattention to human rights in the Dumbarton Oaks draft were US civil society organizations, who had been encouraged by Roosevelt’s Four Freedoms Speech to believe that the war was being fought for freedom and rights. A key objective of the forty civil society groups that served as consultants to the US delegation at San Francisco (women’s organizations, religious organizations, labor groups, and academics) was to insert human rights in the UN Charter. These groups along with a number of small states eventually convinced the US to join in making human rights a major focus of the United Nations, although an exact *definition* of human rights remained elusive.

Most histories of the UDHR center on Eleanor Roosevelt, who chaired the new UN Human Rights Commission, and René Cassin, a French jurist and fellow member of the Commission. This focus is not so much inaccurate as incomplete. Others were also deeply involved in writing the UDHR, such as Charles Malik from Lebanon; Peng-chun Chang from China; and Hernán Santa Cruz from Chile, who worked to include economic, social, and cultural rights. Western-centric histories also neglect the influence of people like Bertha Lutz, a Brazilian biologist, feminist, and lawyer, and Hansa Mehta, an Indian delegate and independence activist, both of whom insisted that the UN Charter and the UDHR explicitly recognize the equal rights of women and men. The emergence of human rights norms in Latin America and other countries in the Global South further challenges the simple narrative that norms come from powerful states.

The tendency to attribute human rights ideology to the Global North may also stem from the fact that the Europeans were the first to create a regional human rights regime. From 1950 to 1953, Europe established the first overarching human rights treaty, the European Convention on Human Rights, and a regional human rights court, the European Court of Human Rights. Latin America, despite its early advocacy, did not draft the American Convention on Human Rights until 1959, and this treaty did not enter into force until 1978. Human rights had lost support from many Latin American governments as military coups toppled the democracies that had advocated for human rights at Chapultepec and San Francisco. Many of the coups and the anticommunist authoritarian regimes that followed were supported by the US government, which prioritized anticommunism and economic interests over the promotion of democracy. During the time of the military regimes, Latin America’s

African and Asian nations led the international anti-apartheid campaign.

contributions to the international protection of human rights were almost forgotten, even in the region.

Claims that human rights doctrine is Eurocentric also ignore the contributions by African and Asian countries during their struggles for decolonization. Much of Africa, Asia, and the Caribbean was still colonized in 1945 and thus did not participate in the San Francisco Conference. But some of the newly decolonized states in these regions took the lead in human rights advocacy in the context of campaigns for decolonization and against apartheid.

Many decolonization advocates believed that human rights violations stemmed from colonialism, and thus nations required a sovereign state to prevent human rights abuses. A sovereign state is still needed in the twenty-first century; today, the most vulnerable to human rights violations are the stateless of the world: refugees, migrants, and others. Yet a paradox persists: states are simultaneously the biggest protectors of rights and their biggest violators. A state is necessary but, as history demonstrates, utterly insufficient: some form of redress for human rights through international law and institutions must also have authority.

Alongside decolonization, African and Asian nations led what was perhaps the most important early and sustained international human rights struggle: the anti-apartheid campaign. As early as the 1940s, the African National Conference (ANC) explicitly embraced human rights as a fundamental goal of its struggle for racial justice. Anti-apartheid sentiment was also a major factor leading Asian and African leaders to spearhead passage of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1965. Two years later, the issue of apartheid pushed the UN Commission on Human Rights to create its first “special procedure,” the Ad Hoc Working Group on Southern Africa, which became the model for subsequent UN human rights investigations.

In the 1960s, Jamaica became another postcolonial leader for intensifying UN efforts on behalf of human rights. Among other initiatives, it pushed for the designation of the International Human Rights Year of 1968, an impetus for advancing various human rights projects, most importantly CERD. Jamaica and other states of the Global South stressed the need for enforcement mechanisms, leading to the creation of a special committee of independent experts on racial discrimination to receive state reports on compliance with the treaty. This “treaty body” became a precedent for all subsequent human rights treaties. Lebanon championed another institutional innovation—the right of individuals to petition to the treaty body—that would also reappear in later treaties.

Although Cold War tensions had blocked the drafting of two treaties—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights—designed to convert the soft law of the UDHR into binding international commitments, Jamaica and its allies, building on the success of CERD, revitalized the process leading to draft treaties in 1966 and

Resolving transborder crises is incompatible with a narrow view of national sovereignty.

ratification in 1976. The leadership of the Global South was thus instrumental in creating mechanisms for institutional implementation and enforcement for the entire human rights treaty system.

Supranational: The Case for Global Governance

Like a growing number of global imperatives, the international protection of human rights requires a degree of supranationalism, that is, governance arrangements whereby states delegate some responsibility for decision-making to an institution that stands above the nation-state. The UN Charter, the UDHR, the CERD, and the many international human rights treaties that followed were instrumental in strengthening supranationalism, a critical underpinning for potential global movement-building in the twenty-first century. We are at a historical crossroads: resolving complex, transborder crises—climate change, human displacement, nuclear threats—in an interconnected world is simply incompatible with a narrow view of national sovereignty.

Human rights offer a powerful example of this proposition. Traditionally, absolute sovereignty gave the state complete and exclusive power within its jurisdiction. According to this view, how a government behaves towards its own citizens is not a valid international concern, even if said government violates citizens' rights. But other understandings of sovereignty are more supportive of human rights.

The doctrine of popular sovereignty stresses that sovereignty ultimately rests with the people of the country, not with the leaders. The people at all times have the inalienable right to alter or modify their form of government. A government cannot use sovereignty to justify human rights violations against citizens, since those citizens would then have grounds to revolt and to alter their form of government.

Another alternative understanding of sovereignty is what Stephen Krasner has called international legal sovereignty.² The ratification of human rights treaties is an exercise in international legal sovereignty, since only sovereign states can ratify treaties. In this sense, we can say that states used their international sovereignty to "invite" the process of international protection of human rights, through their drafting and their ratification of these human rights treaties, which in turn eroded their exclusive jurisdiction over all that occurs within borders. It is thus disingenuous for states to claim later that human rights doctrine violates their sovereignty when they had previously ratified treaties permitting—indeed, inviting—international supervision of their domestic human rights practices.

For example, when states ratify the UN Charter, they delegate certain decisions about international peace and security to the UN Security Council, and they accept Chapter VII of the Charter, which allows the Security Council to authorize intervention into a state's internal affairs. In its first five decades, the Security Council rarely opted to intervene in response to mass atrocity, but more recently, the UN Responsibility to Protect doctrine (R2P), adopted in 2005, permits the Security Council to consider intervention when a

A dramatic new trend toward holding individual state officials criminally accountable has emerged.

state engages in massive violations of human rights, as in the case of Libya. Popular sovereignty arguments are at the core of R2P, which sees sovereignty as creating the responsibility of the government to protect its citizens.

Under a doctrine like R2P, support for sovereignty and support for the international protection of human rights are not mutually exclusive. Most human rights activists and states from the Global South, however, are extremely cautious about using supranational military intervention as a means for the international protection of human rights. Nevertheless, supranational human rights institutions and doctrines of popular sovereignty offer a legitimate reference framework within which violations of human rights within the borders of a single nation, whether by a government or another party, can become subject to external parties seeking corrective action. A wide array of such interventions, both soft (reprimand and condemnation) and hard (military and judicial action), have occurred in recent decades in response to, for example, the Balkan Wars, Rwanda genocide, Syrian civil war, and the Rohingya refugee crisis.

More promising for the long-term protection of rights is the emergence of law and institutions creating individual criminal responsibility for mass atrocities. Prior to World War II, the reigning orthodoxy was the impunity model, which dictates that neither states nor state officials should be held accountable for past human rights violations. The impunity model relied on the doctrine wherein the state itself and its officials should remain indefinitely immune from prosecution in both domestic courts and foreign courts.

Since World War II, and in particular since the formation of the International Criminal Court (ICC) in 1998, a dramatic new trend in world politics toward holding individual state officials, including heads of state, criminally accountable for human rights violations has emerged.³ This is not to say that perfect justice has been done or will be done, or that most perpetrators of human rights violations, particularly among the state's most powerful actors, will be held criminally accountable. Rather, this "justice cascade" entails a shift in what is considered the legitimate norm of individual criminal accountability for human rights violations and an increase in criminal prosecutions reflecting that norm. The ICC, the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court of Human and Peoples' Rights show how supranational institutions can be critical underpinnings for a new movement for change in the twenty-first century.

Supranational developments in human rights are rooted in prior struggle by social movements and dedicated leaders. They are still relatively new and fragile and require support to continue expanding in the face of constant pushback from powerful nationalists and other counter forces. The evolution of human rights protection has produced a range of tools and institutions that provide a template

not only for its own future enrichment but also for any social movement that is intrinsically supranational in nature.

Emancipatory: Harmonizing Means and Ends

The human rights path to emancipation insists that the ends do not justify the means.

The twentieth century saw several other competing visions of emancipation, including nationalism, communism, and anticommunism. Many perceived these visions as more compelling than that of human rights, in part because they appeared to offer a more rapid and complete path to emancipation. Yet each at one time or another has led to mass atrocity because supporters of the great alternative utopias of the twentieth century were often prepared to sacrifice individual humans for some end they believed would lead ultimately to greater human emancipation. Nationalism, communism, and anticommunism all sought utopian ends—a great nation, a classless society, or liberty from totalitarianism—but each came to justify violent and abusive means to achieve those ends.

Nationalism often justified the exclusion and mistreatment of foreigners to promote the greatness of the nation; communism justified repression of the bourgeoisie or the ideologically misguided to create a classless society; and anticommunism justified military coups and repressive violence against not only communists but also any person with leftist affiliations. The ends justified the means of crushing political opponents, purges, disappearances, and executions.

Various types of authoritarian nationalist regimes justified mass killings, including the Holocaust, the Turkish genocide of the Armenians, and, more recently, the genocide in the Darfur region of Sudan to further nationalist and racist goals. The former USSR, China, and Cambodia under the Khmer Rouge used utopian communist visions of emancipation to justify atrocities that ranked among the worst of the twentieth century: the Stalinist purges and forced famines, the Great Leap Forward in China, and the genocide in Cambodia. Meanwhile, in response to communism, the US government and its supporters claimed that whatever means it took to end communist totalitarianism were necessary regardless of the human cost. This ideology brought to power many of the harshest dictatorships in the twentieth century, including that of General Rios Montt of Guatemala, General Videla in Argentina, General Pinochet of Chile, General Suharto of Indonesia, and President Marcos of the Philippines. Anticommunism also led the US to support a devastating war in Vietnam that cost the lives of millions of combatants and civilians.

Human rights doctrine stands in stark contrast to this history of repression and atrocity. The human rights path to emancipation insists that the ends do not justify the means; rather, the means are the ends. Since the objective for human rights activists is the full security of the individual, the only way to achieve that goal is to

US antiterrorist
discourse strongly
echoes anticommunist
practices of dictatorial
regimes in Latin
America.

protect individual human rights at every step along the way. Human rights ideas make it difficult to justify the dehumanization of opponents in pursuit of distant goals.

During the height of the Cold War, the powerful discourses of nationalism, communism, and anticommunism diverted attention away from human rights principles. Only in the 1970s, in the context of repressive dictatorships in Latin America and elsewhere, did individuals rediscover the human rights vision that lay dormant. Out of disillusionment and desperation, people in countries such as Chile, Argentina, the Soviet Union, and South Africa turned to human rights as a foundation for efforts to find those who had disappeared, to protest executions, and to put a stop to arbitrary imprisonment. The Madres de la Plaza de Mayo in Argentina, for example, relied on human rights institutions and rhetoric in their search for children who were disappeared by the Argentine military government. In this case, the “disappeared” were kidnapped by state agents and taken to secret prisons where they were almost always tortured. Many of the disappeared were eventually killed, their bodies dropped sedated and alive from airplanes into the South Atlantic. Human rights reemerged in this setting as a tool for anguished friends and family searching for language, law, and institutions to help recover their loved ones. This transmuted into a deep belief in and commitment to human rights ideals and processes.

The twenty-first century has witnessed the rise of deadly new visions of emancipation: Islamic fundamentalism and Western antiterrorism. Islamic fundamentalism imagined emancipation through a world governed by Sharia law under a Muslim Caliph; antiterrorism aimed to emancipate society from the fear of violent terrorism. Both, however, shared a belief that the ends justified the means. This is the logic of ISIS—that the goal of a Caliphate justified beheadings and destruction of the Yazidi people. The antiterrorist response also accepted violent means to reach its goal.

Indeed, US antiterrorist discourse strongly echoes the anticommunist practices of dictatorial regimes in Latin America: both justify disappearing, torturing, and executing their opponents. The US government sometimes acts as if we entered a new era after the 9/11 terrorist attacks, but the similarity between antiterrorism and anticommunism reveals the opposite. Instead of discovering something new, we have been shown once again the dangers of a government that does not prioritize individual human dignity.

Human rights policy, belief, and law require of us a different approach. Human rights do not allow the ends to justify the means—because the means are also the ends. In other words, if the well-being and rights of individual humans are the ends we seek, clearly abusing those rights cannot be the means to that end. A commitment to human rights militates against dehumanization and atrocity because it insists that every human has the same rights, by virtue of being human.

The boundaries of rights have widened to include an ever-larger set of human entitlements.

Some have called human rights “minimalist” in the sense that they focus on procedural guarantees and the rule of law. Why would we see human rights as minimal? If a person had all the rights declared in the UDHR of 1948, not only would that person have protections of life, liberty, and security; freedom of thought and religion; and the right to participate in politics, but they would also have access to education, social security, work (and equal pay for equal work), freedom of movement, and a standard of living adequate for health and well-being, including food, clothing, housing, medical care, and necessary social services. They would have equal protection under the law and be protected against discrimination, and have a right to leisure, including paid vacations. These rights are themselves examples of human emancipation, and they provide the conditions and tools for future social movements to advance emancipation in the broadest sense. When human rights work, they work by supporting people’s aspirations and movements for rights, not by imposing rights from the outside. Human rights are not minimalist, but they are slower and more gradual, because they are the result of long and mainly peaceful struggles.

Expansive: Climbing the Ladder of Rights

Human rights are the most effective tools for emancipation that emerged during the twentieth century not only because the alternative visions have failed, but also because human rights norms contain the seeds of their own expansion. Indeed, the boundaries of human rights have widened over time to include an ever-larger set of human entitlements. Building on the broad construction of the UDHR, the human rights movement has gradually enlarged the definition of existing rights and added new rights to its purview. And it will continue to do so.

Non-discrimination, for example, has reached into new terrain through gay and transgender rights activism. Both the American Declaration of Rights and Duties of Man and the UDHR of 1948 had expansive views of human rights, including the right of all humans to dignity, non-discrimination, citizenship, due process, health, education, livelihood, and a host of other protections. Many specific rights, however, were not included in the UDHR, such as the rights of the disabled or LGBTQ individuals. When the UN Charter, the American Declaration, and the UDHR were drafted, nobody argued that people should be free from discrimination based on sexual orientation. Yet the seed for the protection of LGBTQ rights existed in those texts, because every human rights document has at its center the notion of non-discrimination. These documents prohibit discrimination based on “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Thus, human rights became the natural platform for campaigns concerning marriage equality and other LGBTQ rights. Indeed, the largest national lesbian, gay, bisexual, transgender, and queer civil rights organization in the US is called, simply, the Human Rights Campaign.

The human rights movement offers essential lessons for global movement-building in the twenty-first century.

This capacity to expand is key to the power of human rights as a tool for emancipation. Another instance of embracing new rights categories is the right to a salubrious environment, implied by the “health and well-being” provision of the UDHR, which is now widely recognized a universal norm by both government and civil society. In a similar vein, rights to a gainful livelihood and minimum guaranteed income are now embedded in human rights discourse.

No doubt, many challenges remain at the moving frontier of human rights. And there are many flaws to address in countries and movements that embrace human rights. Still, human rights give us tools to resolve such conflicts. This expansiveness points to the pivotal role of adaptation in a fast-changing world in which new knowledge, needs, and expectations constantly redefine the necessary and the possible. The cumulative and advancing boundary of human rights nurtures an insatiable hunger for further widening of the emancipatory struggles of the present and future.

Beyond the Human Rights Movement

The human rights movement offers essential lessons for global movement-building in the twenty-first century. Although systemic social transformation will not come quickly or easily, the attributes and experience of the twentieth-century rights movement can help illuminate the journey.

When discussing the precondition for creating social change, community organizer Saul Alinsky said that one needs a blend of anger, hope, and the belief that one can make a difference. Some see anger as the primordial emotion of justice. But while anger stimulates action, in the absence of hope and sense of efficacy, it can burn out quickly and lead to apathy. It is this delicate balance of grievance, vision, and sense that one’s actions matter that shapes the chronicle of human rights.

The contemporary drift toward a fortress world of wealth disparities, intolerance, and regressive nationalism signals a difficult struggle ahead to create a just and sustainable planet. The universal, supranational, emancipatory, and expansive character of human rights is poised to serve as a connective tissue binding disparate movements and awakening a global citizenry in a super-movement capable of accelerating a Great Transition.

Endnotes

1. See my latest book, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton, NJ: Princeton University Press, 2017).
2. Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).
3. I discuss the emergence and effectiveness of such criminal accountability in my book, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W. W. Norton & Company, 2011).

About the Author



Kathryn Sikkink is the Ryan Family Professor of Human Rights Policy at the Harvard Kennedy School and the Carol K. Pforzheimer Professor at the Radcliffe Institute for Advanced Study. Sikkink works on international norms and institutions, transnational advocacy networks, the impact of human rights law and policies, and transitional justice. Her latest books include *Evidence for Hope: Making Human Rights Work in the 21st Century* and *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. She holds a PhD in political science from Columbia University.



Roundtable



Greg Anderson

I appreciate Kathryn Sikkink's thoughtful, clear-headed account of the achievements of the human rights agenda over the last eight decades, but I remain skeptical that such an agenda, however expansive, can advance the cause of a Great Transition. Sikkink's proposal seems to raise as many questions as it does answers. In the comments that follow, I discuss each of her "four pillars" in turn.

First and foremost, the alleged "universalism" of human rights claims should be qualified in much stronger terms. One would not wish to deny for a moment that leaders, activists, and others from the Global South have productively used rights claims to secure benefits of various kinds for their communities. But this does not make rights discourse any less essentially Eurocentric. This is not just a matter rights being a "Western invention." The very notion of inalienable human rights as we know them today presupposes a uniquely modern Western kind of reality, one where all of the most vital life-sustaining mechanisms, from free market economies to liberal democracies, are premised on metaphysical commitments to materialism, to anthropocentrism, to secularism, and perhaps above all to individualism. This notion takes for granted the proposition that humans are naturally presocial, monadic beings, all born with congenital rights to pursue their own individual "life, liberty, and property." And as a historian who specializes in the study of pre-modern experiences, I feel comfortable saying that the very idea that humans need to be individually protected from "the community," however defined, by certain universal natural rights would make little or no sense in any non-modern reality.

For example, this idea of the universal rights of individuals would have made little sense at all in the world of the classical Athens, where Athenians were all born to be integral components of the social body of a particular polis, a kind of human superorganism whose very existence depended upon the symbiotic relations it maintained with its own ancestral land and its own pantheon of gods. It would have made little or no sense in the world of Ming China, where life itself depended

upon the unencumbered ability of the emperor to exercise his divine mandate and align “all under Heaven” with the timeless “way of Heaven.” And it would make no sense at all in those many “animist” worlds studied by the likes of Eduardo Viveiros de Castro, Philippe Descola, and Nurit Bird-David, where humans share forms of personhood and subjectivity with a multitude of other agencies, including animals, spirits, rocks, forests, and rivers.

Indeed, the notion of universal individual rights makes sense only in a world where, *inter alia*, humans monopolize all agency and subjectivity, where the individual being of humans ontologically precedes their social being, and where individuals have already in effect been granted license to pursue their means of existence for themselves. Which is to say, rights did not originally exist somewhere out there “in nature” as materially self-evident, mind-independent things-in-themselves, awaiting discovery by classical liberals and French philosophes. They are, in the end, products of a very specific historical environment, cultural artifacts that could only acquire full meaning and realness under the contingent conditions of one particular, highly anomalous metaphysical conjuncture, the one we call Western modernity.

This essentially non-objective, mind-dependent character of rights in turn helps to explain what the author calls their “expansiveness.” And I would argue that this expansiveness is at least as much a weakness as it is a strength. Again, it goes without saying that we should celebrate the extraordinary proliferation of rights claims that has secured all manner of benefits for, say, women, racial minorities, and other historically marginalized or disadvantaged groups since the 1950s. But this same proliferation also speaks to the inherent plasticity or elasticity of rights as mechanisms. By now, almost any imaginable rights claim by one group of individuals will almost inevitably contravene or contradict the established or potential rights claims of others. The student’s right to live free in a peaceful, gun-free environment contravenes the gun owner’s right to bear arms. The tenant’s right to affordable, rent-controlled housing contravenes the landlord’s right to extract rent at the market rate. The mother’s right to choose contravenes the fetus’s right to life, and so forth.

And it is precisely this kind of ontological elasticity which has caused some in the field of “Critical Legal Studies” to suffer what Duncan Kennedy has called a “loss of faith” in the whole discourse of rights.¹ After all, for a new right to become fully realized in experience as a legally enforceable mechanism, the case for it must be weighed against the cases for those other rights which the new right would inevitably contravene. In other words, the reality of a right will always depend upon a process of

adjudication, whether conducted by a judge, by legislators, or by some other authorized agency. And history teaches us all too clearly that such decisions are more likely to be determined by the adjudicator's prejudices, ideological commitments, policy imperatives, or enforceability concerns than by any objective force of the particular rights in question.

This brings us to the third "pillar," namely, the "supranational" character of rights. The rights-supporting interventions of supranational adjudication bodies like the UN Security Council and the ICC have been at best highly selective, shaped and determined more often than not by prevailing geopolitical or economic exigencies. One might draw a parallel here with the "laws" of war. Of course, having some laws of war is better than having no laws at all. But such laws are all too often applied after the fact, usually by the victors or the global powers-that-be. So why bother having such laws at all if their application can never be truly neutral or impartial? I don't think it would be too cynical to suggest that such laws in the end serve to legitimize warfare as a "civilized," rule-abiding pursuit. They allow us to engage in mass slaughter while still maintaining some pretense to civility.

So, too, with our human rights claims, which likewise can never be adjudicated by wholly disinterested or impartial arbiters. Needless to say, our current modern global order, with its steady, if uneven, proliferation of rights, is distinctly preferable to an order that would recognize, say, only a bare minimum of property rights. But it would not be hard to make the case that the ultimate source of the globe's most persistent, systemic problems is modernity itself in its various forms, whether liberal capitalist, "communist," "post-communist," or otherwise. For one can hardly dispute that modernization projects, especially those pursued for over 200 years now by the "enlightened" West, have authorized and naturalized the infliction of historically unprecedented levels of damage upon the minds, bodies, ecologies, and environments of all the planet's lifeforms, human and non-human alike. In such a context, it may again not be too cynical to claim that our universal human rights end up serving as a kind of legitimation device, allowing us to pretend that our world is still somehow "civilized" despite so much evidence to the contrary.

This brings us in turn to the "emancipatory" capacities of rights, the final anchor of the author's agenda. Here, she assumes a conventional liberal calculus, whereby social goods are merely an aggregate of individual goods, to argue that her agenda would ultimately effect a Great Transition by promising to extend rights into areas like health care, clothing, and housing, thereby guaranteeing "the full security of

the individual.” In this vision, rights would then serve as “the connective tissue” that could bind together “disparate movements” and “awaken” a “global citizenry” to the possibilities of a new dispensation. Again, who would not want a world where people are more “bound together,” where basic necessities like housing, clothing, and medical care are all but guaranteed? But whether rights are the mechanisms best equipped to secure such a world must again be questioned.

Some weaknesses of modern rights as foundations of social order have already been mentioned above, not least their ontological elasticity as mechanisms; the near-impossibility of their impartial, objective adjudication; and their uncomfortable complicity with the Western capitalist common sense that has historically authorized, *inter alia*, imperialism, colonialism, mass industrial servitude, and environmental degradation on a hitherto unimaginable scale. To this list, one might add that there seems to be something almost self-contradictory about a project that would use rights to forge new bonds among a “global citizenry.” If the ultimate goal here is to furnish some kind of “connective tissue” between “disparate” groups, it is hardly self-evident that mechanisms which are expressly designed to turn humans into free-standing, autonomous individuals would be the most effective means to this end. Besides, do we really want a world homogenized under the banner of liberalism, a world full of Western-style individuated subjects, especially given the incalculable historical damage so far caused by such beings? Do we really want to occlude or suppress all other ways of being human, such as the various indigenous ways that have somehow managed to survive the predations of our voracious modernity?

So long as we remain confined within this modern individualist world of ours, then of course we need rights to protect us, the more expansive and emancipatory the better. But I would far prefer a world which presupposes human interdependence rather than human individuality, a world where the very idea of individual rights would make little or no sense at all. And in order to help us imagine such a world, I would say there is very much we can learn from the innumerable non-modern, non-individualist ways of being human that have flourished in both the present and the past.

Endnotes

1. Duncan Kennedy, “The Critique of Rights in Critical Legal Studies,” in *Left Legalism/Left Critique*, eds. Wendy Brown and Janet Halley (Durham, NC: Duke University Press, 2002), 178-227. Durham, NC.

About the Author



Greg Anderson is Professor of History at Ohio State University. His teaching and research combine interests in historical thought and practice, contemporary critical theory, and the experiences of non-modern peoples. In his book *The Realness of Things Past: Ancient Greece and Ontological History*, he makes the case for a radical new paradigm of historical practice, one which recognizes that humans have lived in a pluriverse of many different worlds, not in a universe of just one. This paradigm shift has far-reaching implications for how we think about relations between humans and non-humans in all times and places, which he explores in his current book project *Across the Pluriverse: Sustainable Worlds of the Past, Present, and Future*. He holds a PhD in classics from Yale University.



Luis Cabrera

Kathryn Sikkink has long been at the forefront of scholarship on human rights that is both positive (in the sense of giving us reason to be optimistic) and rigorously evidence-based. She and collaborators have highlighted the importance of human rights doctrine and law, rights-based international activism, and related dynamics to helping hundreds of millions of persons to challenge repression and better their own circumstances. I have found her work deeply instructive and often inspiring. I would like to use this response to invite Sikkink to share her thoughts on some challenges to the current promotion of human rights, and also the roles that regional organizations are increasingly playing or the spaces they might open for the promotion of human rights.

The first challenge concerns the increasing sophistication of authoritarian governments, and also democratic governments which increasingly display some authoritarian tendencies. Among the latter we could certainly include the United States, where a leader elected on a populist platform seems to work daily to undermine the rule of law and constitutional checks and balances which serve to protect individual rights, while directly targeting the rights of immigrants, refugees, and other vulnerable groups.

I would like, however, to focus on a case in India, where a group of activists has sought in part to implement the “boomerang” model that Sikkink and collaborators theorized. This model highlights ways in which activist groups can reach out to international allies to place pressure on their own governments for change, often in a human rights context. I have since 2010 been studying efforts by a group in India, the National Campaign on Dalit Human Rights, to reach out not only to international NGOs based in other countries, as well as governments of those countries, but also, vertically, to the UN human rights regime. Beginning in the late 1990s, their aim was to see caste discrimination globally recognized as a violation of human rights under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). While some UN

committees were willing to affirm this, the member states who have the final say have not, under some pressure from the Indian government.

Even so, the activists' efforts have made caste discrimination far more visible globally, resulting in supportive resolutions from the European Parliament and others, and increased scrutiny through the UN periodic review process under the Treaty. In recent years, though, especially after the nationalist right-wing Bharatiya Janata Party came back to power nationally, such activists have been targeted by the government. In fact, more than 10,000 Indian NGOs have now seen their authorization to receive foreign funding effectively cancelled. This has meant the closure of vocational schools serving rural Dalit (formerly "untouchable") children, and has hampered Dalit advocacy groups' efforts nationwide. This trend has been seen in other countries. What would an effective response to such a crackdown look like?

The second invitation I would offer concerns the role that regional institutions have been playing or could come to play in promoting human rights protections, and especially how central they should be to an analysis such as the one Sikkink has offered. The European Court of Human Rights has, of course, been extensively studied, in part as a means of reinforcing core rights for persons within the states over which it has jurisdiction. Other longstanding regional courts are much more weakly empowered, but we are also seeing the emergence of regional human rights commissions, newer courts, and activist initiatives seeking to leverage regional integration to promote individual rights, in Africa, Southeast Asia, South America, and elsewhere. One example is the group ASEAN Parliamentarians for Human Rights, which works to promote rights in the 10 member states of the Association for Southeast Asian Nations. It is a freestanding NGO, not connected to the organization. It calls attention to significant rights violations in the region through issuing press releases, and through a fact-finding strategy involving delegations headed by parliamentarians from other states investigating reported abuses within a state. This helps prevent the targeted state from simply repressing an investigation or report by its own parliamentarians. The organization does not have a public headquarters, however, because of concerns about such repression.

I would simply invite Sikkink to share her thoughts on the possible role of regional organizations and courts moving forward, as we consider how the global human rights regime might be developed and

strengthened, especially in an age where democracy has been in retreat across a range of states, or at least has come under significant pressure from populist or authoritarian-leaning leaders.

About the Author



Luis Cabrera is Associate Professor of Political Science in the Griffith Asia Institute and School of Government and International Relations at Griffith University in Brisbane, Australia. His research has focused on trans-state normative issues, including human rights, citizenship and migration, and the development of democratically accountable regional and global political institutions. His books include *The Practice of Global Citizenship*, *The Theory of Global Justice*, and *The Humble Cosmopolitan: Rights, Diversity, and Trans-state Democracy*. Before turning to academia full time, Cabrera worked as a staff reporter for The Associated Press in Seattle. He holds a PhD from the University of Washington.



Joseph Camilleri

As we review the evolution of human rights discourse since World War II and the international legal and institutional infrastructure that supports it, we cannot but be struck by the sheer scale, intensity, and speed of change. It is probably too early to be entirely confident of the quality or direction of change, but, as Kathryn Sikkink rightly argues, great strides have been made in both culture and institutions.

Sikkink's essay is also right to highlight the fact that the human rights framework has become increasingly international, expansive, and even supranational in both scope and inspiration, and that underlying this progress has been the emancipatory ethos of the human rights movement.

This is no doubt a valuable account of the achievements of the human rights movement over the last seven decades. Yet, the essay somehow manages to avoid a serious discussion of the many unresolved tensions that have bedeviled the human rights agenda. How these tensions are handled in coming years will largely determine future progress in the observance of human rights, and greatly influence how we approach human governance in an age of profound transition and pervasive turbulence.

Three closely interlinked questions loom large on the human rights horizon. First, how are we to understand the content of human rights? Is it first and foremost the civil and political rights of individuals, usually associated with the formulations favored but not always practiced by Western liberal democracies? Or, does the human rights agenda encompass a wider and more complex set of entitlements and responsibilities?

A second and closely related question has to do with the future of democratic governance. Is it the case that human rights can flourish only in the context of democratic principles and processes?

If so, are these principles and processes necessarily wedded to the Western liberal tradition and more loosely to the Western enlightenment and the Judeo-Christian tradition of which it is an outgrowth?

The third question, which logically follows from the previous two, has to do with the global geopolitical and geocultural transformation now under way. Is the human rights framework, as presently constituted, normatively and institutionally equipped to cope with the seismic power shift that is a function of America's decline and Asia's rise?

The brief observations that follow focus on this third question, whose far-reaching implications, not least for the way we address the other two questions, have yet to receive the attention they deserve.

The current international legal order, of which the human rights regime is but one element, still largely reflects Western priorities and perspectives. Its global reach, we should remember, is a function of the West's technological, economic, and military supremacy, which began with the industrial revolution and became inextricably linked with the growth of capitalism and the rise of the merchant and manufacturing classes. Until recently, this legal order was international only in name, effectively excluding from international decision-making the large fraction of humanity that had been either colonized by Western powers or brought under their respective spheres of influence.

Set against this historical backdrop, human rights norms as they evolved in the nineteenth and twentieth centuries are best understood as an expression of the dominant Western, and more specifically Anglo-American, tradition. Daniel Skubik has identified five key attributes as constituting the core of this tradition: (1) individuality (each human being is considered to be a separate, distinct whole); (2) moral agency (each person, is a free, autonomous agent); (3) moral equality (each individual is deemed inherently equal); (4) rationality (each individual has access to reason); and (5) individual integrity (each individual has an inherent dignity concomitant with his or her individuality).¹

These attributes, which stress the agency and entitlements of individuals, explain the Western predilection for negative rights, understood as freedom from undue interference or repression by political authority. They stand in contrast to other conceptions of rights—far more prevalent across the colonized world—which privilege notions of social and economic justice (hence the dual emphasis on rights and responsibilities) or collective entitlements (hence the emphasis on the rights of peoples, ethnic, religious, and indigenous communities, and other minorities).

The advent of the newly independent states of Africa and Asia that accompanied the demise of European empires introduced a new plurality into the international system. But the transformation was neither immediate nor universal. Many of the international human rights instruments were shaped at a time when the vast majority of Asian and African societies had scarcely asserted their right to self-determination. Even in the aftermath of political independence, most of these countries, though formally participating in human rights forums and institutions, could exercise only limited leverage over a process still driven largely by Western perceptions and priorities. Nonetheless, Third World advocacy of the related notions of self-determination, decolonization, and development coupled with the increasingly vehement denunciation of racism significantly widened the scope of human rights discourse. The decision in the 1960s to adopt the International Covenant on Social, Economic and Cultural Rights to parallel the covenant on civil and political rights was a sign of things to come. The adoption of the Millennium Development Goals in 2000 and of the Sustainable Development Goals in 2015 gave further expression to this trend.

With the rise of the newly industrialized economies of Asia, the human rights regime became the subject of an increasingly vigorous, at times acrimonious, debate. At issue was the relative importance of different rights and the relationship between rights and responsibilities, as well as that between national sovereignty and the authority vested in international institutions.

Like the Asian values debate with which it was inextricably linked, the human rights controversy involved both a contest for power and a contest of ideas and principles. If we are to understand the ramifications of this controversy for human rights discourse and practice, we must revisit, however briefly, the competing claims of universalism and cultural relativism.

Given the plurality of cultural traditions, cultural relativism asserts that moral claims depend for their validity on the cultural context from which they derive. It cautions against the pretentious claims to moral superiority of any one culture and preaches instead the virtue of tolerance and the need for coexistence between diverse and potentially conflicting cultural or ethical preferences. The question is, how are we to read cultural relativism generally, and specifically the claims made by political leaders, diplomats, intellectuals and others in Asia who insist that human rights discourse must somehow accommodate Asian values?

Is it a precept which promises to maximize human dignity and well-being by exposing the moral obnoxiousness of cultural imperialism? Or is its promotion of cultural autonomy a mere subterfuge designed to obscure indifference to the worst excesses in human conduct and obstruct any attempt at humane and legitimate governance? This question, though it may seem at first sight unduly abstract, is, as we shall see, central to the task of managing the rapidly shifting geopolitical balance and the uneasy relationship between Occident and Orient.

On close inspection, the notion of an unbridgeable civilizational divide between cultures that supposedly privilege individual rights and universalist principles on the one hand and those that stress national sovereignty and social obligations on the other is simply unsustainable. We need only look at the social cosmologies that underpin two of Asia's most influential civilizations: Hinduism and Confucianism.

The normative structure of any culture is, of course, a complex phenomenon which cannot be reduced to a single religious or ethical tradition. However, in the case of both India and China, the dominant religious or ethical worldview is closely interwoven with the country's social and political fabric and so offers a rich array of insights. The point of the exercise, it should be stressed, is not to establish some fictitious identity between Asian and Western cultural traditions, but rather to explore the implications of differences, commonalities, and complementarities for the evolving human rights agenda.

The Hindu faith, one of the oldest world religions, still holds a remarkable sway over the cultural and political life of modern India. On the face of it, the Hindu tradition and the caste system which it sustains and legitimizes seem fundamentally at odds with notions of freedom and equality. Duties and privileges are assigned on the basis of status or position as specified by caste, age, and sex. Yet, the Hindu tradition has tolerated and even encouraged periodic challenges to the prevailing hierarchical order. The caste system itself represents an intricate set of reciprocal relationships, with each group in theory at least respecting "the rights and dignity of the others." The notion of right, it is true, remains wedded to the concept of duty, but this must be understood in the context of dharma, one of the pillars of the Hindu worldview which represents an ideal of society, including "the righting of injustices, the restoring of balance which men in their ignorance or out of selfish passions ha[s]d disturbed."

It is also instructive to note that modern Hinduism has sought to breathe new life into an older Hindu tradition, by giving greater prominence to five freedoms: freedom from violence, freedom from want, freedom from exploitation, freedom from violation or dishonor, and freedom from early death or disease. These five freedoms are said to promote tolerance, compassion or fellow feeling, knowledge, freedom of thought and conscience, and freedom from fear and frustration or despair. This may not be the standard liberal formulation of individual freedoms, but it does point to a delicately balanced framework of norms in which rights co-exist with obligations.

Especially revealing in this respect is the contribution of Mohandas Karamchand Gandhi, widely regarded as the father of Modern India. Though a Hindu by birth and deeply committed to Hinduism throughout his life, Gandhi was also influenced by other religious traditions, including Jainism, Christianity, and Islam. While remaining faithful to the Hindu notion of dharma and drawing on “an ethic of community, responsibility and loyalty,” he established the principle that each human being is entitled to equal consideration and concern, and “has an equal right to the necessities of life.” Obedience to the law was, for Gandhi, “necessarily willed and reasoned.” He subordinated political obligation to a moral standard, to ‘loyalty to God and His Constitution’. The State’s authority could be accepted only to the extent that its laws were just and its actions non-repressive. Where laws were unjust and the state’s conduct repressive, the citizen could appeal to his conception of truth [satya] to challenge the authority of the State so long as the means chosen were consistent with ahimsa (doing no harm). From these principles Gandhi derived a long list of rights, including the right to vote, the right to participate in the affairs of government, the right to resist bad government, and the right to liberate one’s country from foreign rule.

The Gandhian legacy represents an uneasy blending of the cosmic harmony of dharma and the doctrine of individual rights. Elements of that synthesis are evident in the Indian constitution, although some have interpreted its elaborate statement of fundamental rights (e.g., liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; right against exploitation) as tilting the balance too far in favor of rights and neglecting ethical notions of self-discipline, cooperation, and responsibility.

The Confucian ethical code, as expressed in the Four Books (The Analects, The Great Learning, The Doctrine of the Mean, and The Book of Mencius), has largely shaped the Chinese understanding

of social relationships. Its two most important contributions were to affirm the perfectibility and educability of human beings. As with the Hindu and Buddhist traditions, though without reference to their supernatural or metaphysical cosmology, the Confucian notion of human dignity is embedded not so much in the abstract, purely rational, calculating, autonomous individual favored by Western liberalism as in the person considered in relationship to other persons. It is the set of complex interpersonal relationships, that is the social context, which confers on personhood its meaning and content, hence the importance of manners, customs, and traditions in defining obligations and inextricably linking personal histories.

The Confucian ethic is not antithetical to notions of justice, but the primary function of law is the maintenance of social harmony. There is considerable scope for individual lives to be enriched, but such enrichment stems from a profound sense of shared humanity which connects the individual with others, that is, with contemporaries across space, but also across time, with elders and ancestors on the one hand, and children and descendants on the other.

Human relationships and expectations, whether in the context of family or community, are normally governed not by law but by reciprocity based on civility, respect, affection, and tradition. The organization of human relations generally and the satisfaction of human needs in particular revolve around rites rather than laws. Indeed, rites or *li*, understood as “the formal definition and concrete embodiment of principle,” are the closest Confucian approximation to the Western conception of rights. It is *li*, or the system of rites, which orders five basic status relationships: ruler-subject, father-son, husband-wife, elder brother-younger brother, and friend-friend. By ordering and providing standards of rightness for these relationships, *li* orders society as a whole. The Confucian vision of social harmony entails not just social cohesion but also the range of social relationships that allow individual persons to express their uniqueness and develop their creativity. The ritual-ordered community envisaged by Confucius offers an alternative to law with more flexible, less adversarial mechanisms for the resolution of conflict, and opens up the possibility of a social system that is both more diverse and more inclusive.

Much has been written about the Confucian insistence on the need for harmony in social relationships, notably the kind of harmony which rests on hierarchy, status, deference, and uniformity, which is, in other words, preoccupied with duties as opposed to rights. Yet there is in Confucian thought and practice a strong commitment to legitimacy. To put it differently, there are clear expectations as to how

authority is to be exercised, for duties apply at least as much to those of high rank as they do to those of lower rank. In the Neo-Confucian context, the principles of reciprocity and humaneness required officials to “govern the people with humaneness,” “clean up the penal system,” “be fair in administering tax collections,” and “establish charitable granaries.” The Mandate of Heaven made it incumbent on any ruler or regime to respect the universal life-giving principles constitutive of human nature, notably the inherent dignity of man.

Enough has been said to suggest that, for all their differences, Hinduism and Confucianism share with the Western liberal tradition a sense of the dignity of human life, a commitment to human fulfilment, and a concern for standards of “rightness” in human conduct. Another common strand is the commitment to humane and legitimate governance, although the criteria for legitimacy may vary from one tradition to another. One of the keys to developing a viable framework of global governance lies precisely in taking account of both complementarity and commonality.

Notwithstanding the unique characteristics of each religious or ethical tradition, what the Orient brings to the table is first and foremost a sharper sense of the connection between human rights and human needs, notably those of the disadvantaged (hence the emphasis on social and economic rights). Secondly, it offers a more holistic understanding of the relationship between rights and obligations and between the individual and the community (hence the dual emphasis on rights and responsibilities). Thirdly, it helps to situate human entitlements within a larger social context that regards “individuals” not as disaggregated atoms but as persons whose identity is framed by the relationship to a larger collectivity (hence the emphasis on the rights of peoples, including not only the right to self-determination but also the right to a healthy environment, to food, to security, to a share of the common heritage of humanity).

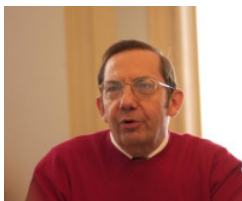
This brings us to the last aspect of the non-Western contribution to human rights discourse, namely the emphasis on consensual decision-making. If participation is an important criterion of legitimate governance, then this should apply as much to international as to national governance. An international human rights regime is more likely to command universal respect to the extent that it proceeds by way of negotiation, involves all parties concerned, and incorporates the insights of their respective traditions.

None of this is to suggest that human rights discourse and practice and the international governance framework of which they are a part will evolve without much pain and confusion along the way. States have a tendency to appropriate normative and ethical ideas and symbols to achieve narrowly defined priorities. Simply put, official rhetoric is often used to advance the short-term interests of political elites. But the maneuverings of states should not deflect civil society from pursuing the immense opportunities presented by civilizational dialogue. By drawing on the deepest insights of their respective traditions and reaching across civilizational boundaries, the voices of civil society could fashion a rich normative dialogue that can nurture the evolution of international law and serve as a transformational arena in which the rights and needs not only of humans but also of all living things can be articulated and negotiated.

Endnotes

1. Daniel W. Skubik, "Two Perspectives on Human Rights and the Rule of Law: Chinese East and Anglo-American West," *World Review* 3, no. 2 (June 1992).

About the Author



Joseph Camilleri is Emeritus Professor at La Trobe University, Melbourne, where he held the Chair in International Relations and was founding Director of the Centre for Dialogue. He is a Fellow of the Australian Academy of Social Sciences, chair of the Editorial Committee of the scholarly journal *Global Change, Peace and Security*, and adviser to Ideapod, a new web-based platform aimed at harnessing the power of ideas. His recent publications include *The UN Alliance of Civilizations in Asia-South Pacific: Current Context and Future Pathways* (2014), *Culture, Religion and Conflict in Muslim Southeast Asia* (2013), and *Religion and Ethics in a Globalizing World: Conflict, Dialogue and Transformation* (2011). He has convened several international dialogues and conferences on global governance and conflict resolution.



Jonathan Cohn

Kathryn Sikkink's "Human Rights: Advancing the Frontier of Emancipation" offers some welcome optimism at a time when most of what's on the news might lead one to despair. Sikkink's optimism stems from the possibilities within the human rights framework and the human rights movement—the optimism of knowing that victories are possible, while knowing fully well that they are never assured.

One of the most compelling parts of her essay was the discussion of the *expansiveness* of the human rights framework, as a tool for emancipation. She writes, "Human rights are the most effective tools of emancipation that emerged during the twentieth century not only because the alternative visions have failed, but also because human rights norms contain the seeds of their own expansion. Indeed, the boundaries of human rights have widened over time to include an ever-larger set of human entitlements."

This expansiveness was on display earlier this month when officials from 24 countries in Latin America and the Caribbean signed a [binding pact](#) with measures to protect land defenders, who have faced increasing risk throughout the region. The new treaty requires states to "guarantee a safe and enabling environment for persons, groups and organisations that promote and defend human rights in environmental matters."

The treaty is nominally binding. But what will happen to countries that don't comply? The "pink tide" that once brought a wave of progressive change in Latin America is in recession, and it's unclear whether the revanchist neoliberal governments now on the rise would care much to follow through and hold the rights-abusing extractive companies accountable. But even if compliance leaves something to be desired, the commitment can provide activists a recourse and compel further action. And it can inspire further, greater demands.

On a similar front, some UN officials are hoping to codify the [right to a healthy environment](#). The Universal Declaration of Human Rights, signed 70 years ago, doesn't mention the environment. It doesn't discuss a right to clean air or clean water; if it was signed thirty years later, it likely would have. But the foundational "right to life" is meaningless if it does not also include a right to safe and clean environment, one of the most basic necessities of life.

A right to a clean environment can be a powerful tool in climate advocacy. Massachusetts, where I live now, has such a right built into the state constitution: "The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose." This right has helped activists and advocates in court battles. Court cases are defensive measures. They can't always undo a human rights violation committed, but they can prevent future occurrences.

Any discussion of rights leaves one with a key question: If countries violate rights with impunity, how valuable is the codification of such rights in the first place? I would argue that there is value in the process. The existence of rights on paper at least gives the *possibility* of enforcement, and the organizing, mobilizing, lobbying, etc., work that secures those rights on paper is the same work necessary to give those words meaning on the ground. As anyone who has worked on an issue or electoral campaign knows, win or lose, one of the greatest values of the campaign is the connections you make, the lessons you learn, and the resolve you get to fight harder and demand more the next time.

About the Author



Jonathan Cohn is the Managing Editor of the Great Transition Initiative and the moderator of the corresponding Great Transition Network. Through volunteerism, research, and advocacy, Jonathan has demonstrated a commitment to environmental sustainability and social justice. Before coming to the Tellus Institute, he was a researcher at the New Economics Institute, Common Cause, and the Berkley Center for Religion, Peace, and World Affairs, and worked in the development team at the Baltimore Center for Green Careers. He received a BA in English and history (Honors) from Georgetown University in 2010, and received a MA from Columbia University and a MSc from the London School of Economics through their dual degree program in international and world history in 2012.



Álvaro de Regil Castilla

I would like to comment on Kathryn Sikkink's thoughtful piece on human rights from the perspective of economic rights. Kathryn Sikkink's main argument in her essay is that human rights play a key role in the transformation that we need to build a just and flourishing future. I agree, but for human rights to play a key role in societal transformation, we must work to create a radical shift in the economic paradigm.

I would agree that human rights must be the driving force for transformation of human values for many reasons, including the four reasons offered in her essay: universality, supranationalism, emancipatory potential, and expansiveness—with their emancipatory potential perhaps being the most sought after by the people ("the Demos") to break the shackles that the current system has imposed to capture most societies in the world. Human rights must be at the core of a pillar of a new ethos, but that new ethos requires a radical paradigmatic change. This new paradigm would put the welfare of people and planet above the market. We are enduring market-based oligarchic governments, where the dictatorship of the market, or marketocracy, reigns supreme and the vast majority of elected officials are truly proxies of the market's owners, the institutional investors of international financial markets, instead of representatives that were bestowed with the sovereign power of the Demos to carry out their will.

This new paradigm would rest on two pillars: true democracy and true sustainability. True democracy requires that the Demos be in permanent control of the public agenda. This is impossible under so-called representative democracy as practiced today, for it is a hoax, a twentieth-century utopia to say the least. It must be done under direct democracy, where the Demos permanently participates directly in all areas of the public sphere to set the agenda, establish priorities, and monitor its execution by the public servants elected by the community. The sole purpose of a truly democratic ethos is for communities to organize in pursuit of the

welfare of every rank of society, with special emphasis on the dispossessed. Furthermore, the welfare of a community must be anchored in the full enjoyment of all human rights. Until these rights are enjoyed to the utmost by all members, the welfare of the community cannot be achieved. Consequently, true democracy, human rights, and welfare are inextricably joined. One cannot exist without the others.

Sustainability, the other pillar of the new paradigm, demands that we seek the welfare of communities by providing a dignified standard of living that is sustainable on our planet. Maintaining a consumeristic lifestyle, the dominant understanding of “welfare” today, is completely unsustainable if we want to recover and preserve the resources produced by our planet. Our ecological footprint, a major driver of climate change, must be drastically reduced until we reach a stage where we can replenish natural resources at the same rate we consume them. This process would require a gradual but strong shift from consumerism to holistic sustainability through a process of degrowth in all our human activities.

As a part of this push for a new paradigm, the concept of a universal basic income is gaining traction conceptually as a fundamental economic right. The basic income guarantees every individual—and not families—the fulfilment of the basic needs to live with human dignity. However, many, including myself, see it as commonsensical as part of the new ethos. Currently, realizing this right in practice is completely unrealistic. We cannot even guarantee a living wage in today’s marketocratic order. The minimum wage, which has been sanctioned as a right for many decades in the International Labour Organisation, is often flouted. Nearly two billion people in the world work in informal economies where the minimum wage is usually not respected. Additionally, slavery and human trafficking have become in the last decades a major problem where governments have shown a tendency to tolerate them rather than decisively work to end them. By the same token, governments under the sway of the marketocratic ethos have systematically stopped any attempt to establish strict binding norms that would govern the social, economic, and environmental responsibilities of business. Voluntary regulations, where companies can cherry-pick the norms where they look good and avoid the rest, have made a mockery of this. Yet, even in this strictly voluntary scheme, the living wage standard is often left out. Henceforth, the basic income should be seen as part of the third generation of human rights that would be at the core of the pillars of the new ethos.

Kathryn Sikkink comments on the doctrine of popular democracy, suggesting it would be suitable for the advancement and protection of human rights. If we aspire to build a truly democratic ethos, the Demos must be the only sovereign of an organized community. This is not a new notion whatsoever.

It is closely associated with the concept of the social contract with Rousseau, Hobbes, and Locke, and it has made its way in some cases to current constitutional law. One example is the current Mexican constitution of 1917, where article 39 explicitly declares, “National sovereignty is bestowed essentially and originally upon the people. Every public power derives from the people and is instituted for their benefit. The people possess, at all times, the inalienable right to alter or change their form of government.” To be sure, there is a long distance between established law and daily praxis. Given that we are enduring marketocratic governments, nation-states as we know them today must cease to exist and be replaced. The same goes for all the multilateral supranational organizations, such as the UN system, that respond to nation-states who have been captured by the marketocratic system.

Evidently, a paradigm devoted to people and planet would be completely incompatible with capitalism, which is utterly anthropocentric and undemocratic. Under capitalism, the public matter has been privatized, and politicians discuss and decide on the matter in private with the owners of the market, their true constituents. Thus we do not have governments that work for the people. We have politicians who, for the most part, act as market agents to impose the conditions demanded by their partners to maximize their wealth accumulation, where they together benefit through the revolving-door system. Therefore, if we want to aspire to a sustainable planet where future generations would enjoy a dignified quality of life, we must completely replace capitalism. The sole purpose and principle of capitalism

is the reproduction, accumulation, and maximization of capital regardless of any other consideration and at the expense of all other stakeholders. Needless to say, the argument in favor of the concept of a capitalist democracy or of a democratic capitalism is unsustainable, for we can hardly find a more direct antagonism between the *raison d’être* of democracy and that of capitalism.

Welfare of people and planet, human rights, freedom, and true democracy are completely anathema to capitalism. The most emblematic and pervasive example where a human right is supplanted by a private good is access to health care in the United States. Contrary to the values of most societies, health care is treated as not a right but a privilege, a mere piece of merchandise that can be

purchased by those who have the purchasing power to buy it. As a result, it should be evident that the condition sine qua non for achieving the entire spectrum of human rights is to put an end to capitalism as the system for societal organization.

In the new paradigm, we must transcend the market in order to redefine how work will be remunerated, and to do this, we must redefine the role of business. Under the new paradigm, there would be no global corporations, but only businesses that serve both the private as well as the public good. Their workers would be stakeholders in the mission, goals, and management of any business, regardless of the size. Building the new paradigm inevitably requires conceptually redefining the purpose of business to make it congruent with an ethos of true democracy and to transform the market into a vehicle for generating the adequate level of sustainable welfare. As organs of society, businesses must take full responsibility for the impact of their activity on the social, economic, and environmental dimensions.

In a transformative scenario, the market's flaws as an agent of equity—work remuneration or otherwise—would be recognized by all parties. A new rights-based paradigm would inherently redefine the purpose of business. Markets would be strictly limited to becoming vehicles of commerce to provide the material quality of life that can be sustained by new predefined ecological footprints. Today's capitalistic logic of the market—anchored on supply-and-demand and sheer speculation—would end. Financial markets and their amoral casino-like mindset would no longer have a role, for they would cease to exist. The commoditization and privatization of every aspect of life, including public goods, would cease to continue, and past privatization of public goods would be undone, enshrining these goods as rights once again. The purpose of business would shift from profit maximization toward public service. Competition, innovation, and efficiency would remain core business attributes, but democratic control and transparency, anchored on long-term horizons, would direct enterprises toward creating and sharing wealth within a framework of justice and truly sustainable ecological limits.

As a consequence, in the new paradigm, financial compensation would no longer be a wage, but a shared remuneration for their contribution that guarantees to all employees/workers a life worthy of human dignity in line with the high quality-of-life standard that the community has democratically established as a legally-binding standard. In this way, the basic income would guarantee a minimum

standard of living for individuals regardless of whether or not they are involved in an economic activity, and a shared remuneration would compensate individuals for the product of their economic activity, always based in both cases on the predefined quality of life that would guarantee the true sustainability of the system for future generations.

In summary, human rights can be the driving force for the transformative change of societies, but we must realize that economic rights, such as a basic income, will never materialize unless we embark on a tectonic shift to replace the current unsustainable paradigm with a paradigm whose purpose is to seek the sustainable welfare of the people and the planet.

About the Author



Álvaro de Regil Castilla is Executive Director of The Jus Semper Global Alliance, a coalition that supports living wages worldwide as a core element of sustainability, democracy, and business accountability. De Regil focuses on developing the living wage concept, anchored on “equal pay for equal work, and, at a broader level, advancing a “people and planet” paradigm. Previously, De Regil spent more than 20 years working for various multinationals (Ford Motor Company, IBM, Univision), then managing his own direct response marketing company. He holds an MBA in marketing from the George Washington University.



Riane Eisler

I would like to start by thanking Kathryn Sikkink for her excellent essay “Human Rights: Advancing the Frontier of Emancipation.” My focus has been on the expansion of human rights theory and action to include the majority of humanity: women and children. That focus came not only out of my concern for the millions of women and children worldwide whose most basic rights to life, liberty, and freedom from violence are violated every day, most often within their own families and communities, but also out of my decades of multidisciplinary, historical, and cross-cultural research showing that achieving social and economic justice worldwide requires an integrated progressive agenda—one that, like the agenda of regressives, includes matters still viewed by many liberals as “just” women’s and children’s issues.

In 1987, the year my book *The Chalice and the Blade: Our History, Our Future* was published, I wrote the first article on what is now termed “women’s rights as human rights” for the *Human Rights Quarterly*.¹ Fast forwarding, my more recent publications include a chapter called “Protecting the Majority of Humanity” in a book published by Cambridge University Press as well as pieces for other outlets such as my article in the *Interdisciplinary Journal of Partnership Studies* called “Protecting Children: From Rhetoric to Global Action.”²

Here I want to add to this conversation some of the reasons that expanding human rights theory and action to focus much more attention on this area is so important.

(1) Until recently, human rights theory and action focused primarily on the so-called public sphere from which the majority of humanity—women and children—were traditionally barred. However, our first, and most lasting, lessons about human relations are learned not in the public sphere, but in the private sphere. This is where people learn to respect the rights of others—or where they learn to view human rights violations as normal. Indeed, psychology and neuroscience show

that what children observe and/or experience in families affects their adult beliefs, behaviors, political attitudes—even the neural structures of their developing brains.

(2) There is a global pandemic of violence against women and children affecting many millions more than all the wars in our world. Over the last decades, for the first time in history, numerous reports have documented the magnitude, severity, and systemic nature of crimes against women and children, as well as their consequences, including traumas and all too often deaths. To give a few examples:

(a) Traditions of abuse and violence against the female half of humanity

In its “Fact Sheet on Domestic Violence as Torture,” Amnesty International points out that violence against women in intimate relations not only takes the lives of millions of girls and women but also criminally torments them.³ A World Bank report estimated that this violence against women was as serious a cause of death and incapacity among women of reproductive age as cancer and a greater cause of ill-health than traffic accidents and malaria combined.⁴

Yet to this day, even murder in the name of honor is not classified as a crime in many regions of the Middle East, Africa, and Asia. Neither is disfiguring a girl by throwing acid in her face for spurning a suitor, or other “customary” violence, such as beating a woman to “chastise” her for not obeying her husband. Rape (including revenge rape) is also not prosecuted in many areas, even though according to the United Nations Population Fund (UNFPA), one in five women worldwide will become a victim of rape or attempted rape in her lifetime. Brutalities ranging from genital mutilation of girls and child marriage (often to men four or five times as old as the child) to selective female infanticide and denying girl children food and health care (in addition to education) have long been justified on the grounds of cultural and/or religious tradition in parts of Asia, the Middle East, Latin America, and Africa.

In addition to the resulting deaths and traumas to survivors, with all the adverse human and social consequences, the economic costs of these human rights violations are huge, not to speak of the enormous costs to our world when children learn to internalize a model of our species in which difference, beginning with the most fundamental difference between female and male, is equated with superiority and inferiority, dominating or being dominated, being served or serving—which can then automatically be applied to other differences, be it race, religion, sexual orientation, and so forth.

(b) Traditions of abuse and violence against children of both genders

Receiving almost no press coverage, but affecting millions of children worldwide, is violence against children in schools. Generally described as “corporal punishment,” this practice is still legal in 90 countries, and 350 million students around the world face violence in their schools each year. According to the report “Learn Without Fear,” this includes 33 types of violence, from beatings to hitting children on the head.⁵ In the United States, paddling—that is, hitting a child’s buttocks with a wooden instrument—is still legal in 21 states, and, according to the Office for Civil Rights at the U.S. Department of Education, is used frequently in rural areas of 13 Southern states.⁶

In most cultures, violence against children in families is still considered an acceptable, even moral, form of discipline. Some of this violence is extremely severe: physical blows (on many areas of the body, not only on the buttocks), kicking, shaking, throwing, scratching, pinching, biting, burning, whipping, scalding, suffocating, and beatings with belts, bats, sticks, metal rods, and other instruments. In other words, children are subjected to acts that in other circumstances would be classified as torture—acts that, especially since these children are dependent on the adults who commit them, are especially traumatic. Yet in most world regions, using force to punish children in families is not defined as an act of violence, even though it would be a crime if against an adult.

Children in many world regions are still forced to work in dangerous and inhuman conditions, with children as young as age four in Afghanistan subject to forced labor and debt bondage. Children are also placed in combat-related roles, forced to be soldiers or to set explosive devices, and trained as suicide bombers, with the use of child suicide bombers, including girls, in Nigeria, Niger, Cameroon, and Chad by Boko-Haram on the rise, according to a 2017 *Al Jazeera* report.⁷

As for sexual violence, in addition to the global sex trade and its millions of victims and the violence of forced sexual intercourse with much older men of child brides (sometimes, as in recent cases in Yemen, causing fatal internal injuries), the World Health Organization estimated that 150 million girls and 73 million boys under the age of 18 have experienced forced sexual intercourse or another form of sexual violence.⁸ United Nations reports indicate an even greater percentage, based on data showing that between 7 and 36 percent of adult women and between 3 and 29 percent of adult men reported sexual victimization in the home during their childhood.⁹ Yet in many world regions these crimes are rarely prosecuted.

In addition to the horrible impact of these and other forms of violence against children on its victims, what children learn from these practices is that abuse and violence are permissible, even moral, to impose one's will on others.

(3) The question that arises is why these crimes have been given so little attention in the thousands of volumes that have by now been written about human rights. One reason is the astonishing omission, or at best marginalization, of children in what we have been taught as "important" knowledge and truth. Another is an equally astonishing fact: none of the major social categories we use to describe social systems—right or left, capitalist or socialist, industrial or pre-or post-industrial, Eastern or Western, Northern or Southern, etc.—have much, if anything, to say about children or families.

These omissions in both language and normative narratives have served a purpose. They condition people to consider what happens in families and to children to be of little if any real social importance.

Still another reason for the silence about violations of women's and children's human rights is that religious scriptures contain commands to actually use violence against women and children, such as the famous biblical "spare the rod and spoil the child." So, to this day, many traditions of abuse and violence are still justified on religious grounds. So, again, we may ask, why would religions prescribe and/or permit violence against women and children in families? Why do many people believe that this is acceptable, even moral?

Answering these question requires a new cultural analysis: one in which the social construction of families, and hence parent-child relations, plays a key part. The categories of the *domination system* and the *partnership system* provide the conceptual frame for this analysis, which documents the connections between what happens in the public sphere of politics and economics and what happens in the private sphere of family and other intimate relations.

To briefly illustrate, we see the domination configuration in the most repressive and violent societies of modern times—from Hitler's Germany, Stalin's USSR, and Kim Jong Un's North Korea to the Taliban, ISIS, and other fundamentalist cultures (societies that include secular and religious, Eastern and Western, and rightist and leftist regimes). In all these societies, the ideal norm is authoritarianism, a high degree of punitiveness, and rigid male-dominance in both the family and the state. In other words, what we see

are interconnections: mutually reinforcing dynamics between what happens in the so-called private and public spheres of life.

Societies that orient more toward the partnership configuration also transcend conventional categories such as religious or secular, Eastern or Western, and technologically developed/less developed. They include indigenous societies such as the Indonesian Minankabao, the Chinese Mouso, and the La Paz Zapotec of Mexico from one side of the technological spectrum, as well as technologically advanced societies such as Sweden, Finland, and Norway. In these cultures, we again see feedback loops between family and other intimate relations, on the one hand, and whether a society is more peaceful, equitable, and democratic, on the other.

From this perspective, we see that expanding the purview and reach of respect for human rights is part of the contemporary movement toward the partnership side of the social scale. Indeed, if we look at modern history from this new perspective, we see that the modern progressive social movements have in one way or another challenged traditions of domination.

During the 1700s, the “rights of man” movement that emerged during the European Enlightenment challenged the “divinely ordained” right of despotic kings to rule their “subjects.” This was followed by the feminist movement, which challenged the “divinely ordained” right of men to rule the women and children in the “castles” of their homes. The abolitionist, civil rights, and anticolonial movements challenged the “divinely ordained” right of one race or nation to rule over another. The pacifist and then peace movements challenged the use of force to impose rankings of domination. The movement for social and economic justice, and later the human rights movement, challenged traditions of violence and injustice. The environmental movement challenged man’s “divinely ordained” right to dominate and conquer nature.

The organized challenges to the tradition of domination and violence against women and children have been latecomers in the challenges to traditions of domination. But unless particular attention is paid to these human rights violations, we will not have the foundations for more equitable and peaceful relations—be it in families or in the family of nations.

I have written extensively about these matters, and the need for a different kind of education for cultural change. But as someone who also has a legal background, I have also written about how law can play a role in this process.

For instance, I have proposed expanding the purview of international law, especially the Rome Statute, to protect women and children worldwide. The intent of the statute is the protection of certain groups from genocide and/or widespread, abhorrent, and systemic violations of human rights. However, as it now stands, the Rome Statute does not list women or children under protected groups. This is why I have proposed:

(1) Expanding the interpretation of relevant sections of the Rome Statute, particularly sections of Article 7–Crimes against Humanity, to include widespread and systemic practices that cause women and children great suffering or serious injury to physical or mental health but are not punishable under a state’s laws or, if there are laws, they are not being enforced.

(2) Where necessary, amending the Rome Statute to include (in addition to nationality, race, ethnicity, and religion) gender and childhood under protected groups.

The emerging principle of Responsibility to Protect (R2P) can also play a role, as it strengthens the interpretation of the Crimes against Humanity Section of the Rome Statute to hold those officially or unofficially acting for governments responsible when practices are well-known, widespread, large-scale abuses against civilian populations that cause great suffering or serious injury to physical or mental health, but are not included in a state’s laws, or, if there are laws, they are not enforced.

I invite everyone to contribute their expertise to this effort to reinterpret and amend international law, and engage universities, law firms, and other organizations to provide the leadership and resources to bring it to fruition. I also want to invite you to play a part in a much-needed global educational campaign to bring awareness and knowledge about changing traditions of violence and abuse against women and children worldwide. Indeed, if we do nothing to end the widespread, systemic, and atrocious crimes against women and children that continue worldwide, we will not have foundations for a more just and caring world.

Endnotes

1. Riane Eisler, *The Chalice and the Blade: Our History, Our Future* (San Francisco: Harper & Row, 1987; Harper Collins, 2017); "Human Rights: Toward an Integrated Theory for Action," *The Human Rights Quarterly* 9, no. 3 (August 1987): 283–308.
2. Riane Eisler. "Protecting the Majority of Humanity," in *Sustainable Development, International Criminal Justice, and Treaty Implementation*, eds. Marie-Claire Cordonier Segger and Sébastien Jodoin (Cambridge, UK: Cambridge University Press, 2013), 305–326, available at <http://centerforpartnership.org/wp-content/uploads/2015/11/Protecting-the-Majority-of-Humanity.pdf>; "Protecting Children: From Rhetoric to Global Action," *International Journal of Partnership Studies* 5, no. 1 (Winter 2018), available at <https://pubs.lib.umn.edu/index.php/ijps/article/view/1125/1070>.
3. Amnesty International, *End Domestic Violence. End Torture: A Fact Sheet on Domestic Violence as Torture* (New York: Amnesty International, 2005).
4. Lori Heise, "Violence Against Women: The Hidden Health Burden," UNIFEM Discussion Paper 255 (Washington, DC: World Bank, 1994).
5. Randeep Kaur interview in "Millions Face School Violence across Asia," *Australia Broadcasting Corporation* (ABC), October 8, 2008, <http://www.abc.net.au/ra/programguide/stories/200810/s2385881.htm>.
6. "Corporal Punishment in Public Schools," *CNN.com*, August 20, 2008, <http://www.cnn.com/2008/US/08/20/corporal.punishment/#cnnSTCOther1>.
7. "'Alarming' Rise in Boko Haram Child Suicide Bombers," *Al Jazeera*, April 12, 2017, <http://www.aljazeera.com/news/2017/04/rise-boko-haram-child-suicide-bombers-170412041301650.html>.
8. United Nations, *Global Estimates of Health Consequences due to Violence against Children* (Geneva: World Health Organization, 2006).
9. United Nations, *Promotion and Protections of the Rights of Children*, General Assembly A/61/150, Report to the Secretary-General (New York: United Nations, 2006).

About the Author



Riane Eisler is President of the Center for Partnership Systems and Editor-in-Chief of the *Interdisciplinary Journal of Partnership Studies*. Internationally known as a systems scientist, conference keynoter, consultant, and attorney working for the human rights of women and children, she is the author of groundbreaking books such as *The Chalice and the Blade: Our History, Our Future*, *The Real Wealth of Nations: Creating a Caring Economics*, and *Nurturing Our Humanity: How Domination and Partnership Shape Our Brains, Lives, and Future*. She holds a JD from the University of California, Los Angeles. In recognition of her work for a more equitable, peaceful, and sustainable future, she has received honorary PhDs and peace, humanitarian, and human rights awards.



Alice Froidevaux

Thank you very much for sharing this valuable essay by Kathryn Sikkink and for all the interesting contributions so far. Working directly with so-called Human Rights Defenders (HRDs) in Central America, I share some of the expressed skepticism as well as some of the optimism towards “human rights” as an effective driving force for a global transformative change.

Indeed, there is a positive “trend” towards more binding pacts/treaties and codifications of rights at the international level that can provide activists a recourse. However, at the same time, we can observe a highly alarming trend of restricting the scope of action for activists and civil society organizations at the national level by means of the introduction or reforms of NGO or anti-terrorism laws. Such laws provide the basis to *criminalize* people who are trying to defend human rights—a strategy that is increasingly used by national governments (often in conjunction with corporations) be it in Guatemala or Turkey.

Furthermore, while the central message of Sikkink’s essay is that the human rights movement offers a beacon of hope for securing a livable world despite bleak prognostics about the future, the essay (and consequently also the comments) does only marginally discuss the movement dimension. I think that if we want to discuss about the potentials for a Great Transition, we cannot limit ourselves to talk about the human rights *framework*, but really have to focus on the potential “actors of change.”

Hence, an essential question is, whom do we mean when *we talk about the human rights movement*? I think it is highly relevant to be more specific about the players that constitute a global movement—or maybe more correctly a global “network of movements” or “movement of movements.” For example, what about the (power) relationships between big NGOs (e.g., Amnesty International) and grassroots activists? Who is part of the movement, and who are allies (experts, officials, professionals, etc.)? Who has access to money, knowledge, political arenas, and national

and international mechanisms, and hence to justice? To what extent do global movements present a microcosm of the imbalances in power that characterized the world at large—e.g., Global North vs. Global South? This also implies the question of how to effectively combine the struggles at the local, national, and international levels.¹

Endnotes

1. For a discussion of these questions see, e.g., Srilatha Batliwala, “Grassroots Movements as Transnational Actors: Implications for Global Civil Society,” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 13 (2002): 393–409; Michael Edwards, “Global Civil Society and Community Exchanges: A Different Form of Movement,” *Environment & Urbanization* 13 (2001): 145–149.

About the Author



Alice Froidevaux is the coordinator of the Latin American Center of the University of Zurich, where she studies the intersections of cultural, political, socioeconomic, and ecological processes, and between academic and non-academic worlds. She also directs Guatemalanetz Bern, an NGO addressing natural resources and human rights, human rights defenders at risk, and corporate responsibility. She holds a Master's degree in Latin American Studies from the University of Bern and a PhD from the University of St. Gallen, where her thesis analyzed the challenges faced by grassroots movements seeking to operate transnationally.



Aaron Karp

Kathryn Sikkink writes about the potential of the movement that has advanced human rights to help generate a force for global, transformational social change. However, the idea that a transformational movement will be based upon human rights (along with the rights of other species and nature) doesn't appear to be in question, since it's not clear how to define injustice or justify social change without reference, explicit or implicit, to rights. It seems obvious that a citizen will only rebel when he faces conditions that he cannot tolerate, and while pain and suffering are strong stimuli that can provoke a response, tolerable conditions are to a large extent determined by our understanding of our rights.

The populations living during the Enlightenment had endured the rule of kings and aristocrats for centuries. What's remarkable is that despite being told for generations that their situation was ordained by God—a stifling propaganda system that may not find an equal today—rebellion eventually did take place. Even more remarkable, revolutions unfolded in several countries against the established hierarchies in quick succession—in the American colonies in 1776, the Dutch Republic in 1780, France in 1789, and Haiti in 1791. Populations had long been accustomed to discrimination, war, and arbitrary use of power. It wasn't simply their suffering, however, but rather the spread of democratic ideals by radical thinkers of the period that encouraged people to question the nature of their society and their own place in it. Revolutions sprang up when enough people no longer accepted the conditions they experienced or believed them to be inevitable, and recognized that they had rights which were being violated.

The human rights documents we have today, particularly the Universal Declaration of Human Rights (UDHR), get significant inspiration from those produced during the Enlightenment. From that period onward, democracy expanded as movements fought to gain rights spoken about in lofty documents but denied in practice. Concentrated power continued to exist, though as state power

was increasingly subject to democratic limits corporate power ascended into a dominant position. However, no longer could concentrated power simply justify itself on the self-referential basis of its own authority, or some origin outside of the population. The people had gained enough power to force elites to justify their actions and their legitimacy in the name of public wellbeing, even as they pursued their own interests. This seems to me to be an advance over the previous situation, where oppression may have gone totally unnoticed, or provoked only an unsure feeling that one's situation wasn't right—even if it wasn't clear why. But as we articulate human rights, we become better able to understand what constitutes oppression. When kings and aristocrats ruled societies, discussion of rights revolved around this select group of rulers. Kings could do what they wanted simply because they were kings, or because God willed it. The emergence of broad discussions of human rights seemed to thrust ordinary people out of the shadows and towards the stage of history, where we all belong.

I don't think the question is whether a transformational movement will arise with reference to human rights or not, but what rights we actually champion. This movement will need to incorporate both individual and collective rights. In the US, discussions about freedom focus on individual liberty. What is sorely needed is attention to collective freedom, or democracy, which recognizes that many social matters fall outside of the sphere of individual liberty and substantially affect or involve others, and that these matters must be resolved with the meaningful participation of this community.

Tension is an often unavoidable result of asserting rights, as certain rights may come into conflict with others. But we shouldn't assume that all of these conflicts are of equal merit. The toughest situation is where people of good faith can reasonably disagree, but some conflicts are much less profound. Radical thinkers who pushed for democracy during the Enlightenment were challenged by those asserting that the right to rule was held exclusively by princes and nobilities. Few would find this dispute compelling today.

Currently, many matters that should fall under the category of collective freedom and determination are understood or argued to be matters of individual liberty. If a fossil fuel company plans to build a pipeline that will expand our carbon emissions just as humanity must do everything possible to rapidly reduce them, the public has no direct ability to intervene. This issue is rooted in how we define "property." The UDHR includes the "right to own property," and Sikkink notes that human rights documents like the UDHR "prohibit discrimination based on 'race, colour, sex, language, religion,

political or other opinion, national or social origin, property [emphasis added], birth or other status.” However, if the “right to own property” extends beyond personal objects to include the institutions that make up the economy, then human rights could be said to defend a power system based on private wealth and top-down control. Just as the principle of human equality rejects the view that a minority possesses inherent ruling qualities and thus makes political democracy necessary, the same justification extends towards economic democracy. Arguments against democratic control of the economy are our era’s version of princes and nobilities’ exclusive right to rule.

A premise of this article is the existence of a broad, distinct “human rights movement,” but it’s not clear that such an entity exists. Advances in human rights today tend to be achieved through smaller, issue-specific movements. Sikkink observes, “The idea of human rights has animated campaigns for women’s rights; racial equality, including the opposition to apartheid; and the rights of minorities, such as the disabled and the LGBTQ community. Increasingly, human rights are inspiring demands for social and economic rights to food, water, and housing as well.” Even these efforts are subdivided, with activist groups dedicated to various aspects of an issue. There is no question that issue-specific movements have led to advancements in human rights, but today we are in need of large-scale changes to society. These movements are based on a critique of part of the grand tapestry of social injustice, but it doesn’t seem likely that these narrow critiques can generate a global movement separately. A broad critique based on universal needs may be necessary, formed by gathering together the grievances that together illustrate the deep illegitimacy within many of our social institutions. This far-reaching denunciation would be matched by demands that do not seek small changes, but attempt to undo all illegitimate authority and replace it with egalitarian social relations. Part of what is needed is the ambition to aim for larger changes, but perhaps more important is sustained effort towards creating a federated movement. The more human rights that are incorporated into a movement, the stronger and more compelling it may become. It’s possible that if we can find a way to combine separate movements then this effort could have greater historical impact than the Enlightenment revolutions that originated the trend towards democracy, which were broad but didn’t pay enough attention to thoroughly applying their principles to women’s rights, slavery, colonialism—in other words, to all people and situations. Human rights, if explicitly discussed as the core of a movement, may be a uniting force in a world of siloed activism, as Sikkink observes: “The universal, supranational, emancipatory, and expansive character of human rights is poised to serve as a connective tissue binding disparate

movements and awakening a global citizenry in a super-movement capable of accelerating a Great Transition.”

Importantly, Sikkink highlights the international push towards enshrining human rights and addresses claims that documents like the UDHR are an imperialist invention. Inhabitants of countries with colonial history and activists themselves are right to consider the implications of the ideals we hold as human rights, given powerful countries’ constant reference to these rights as rhetorical cover for their oppressive behavior. But we should also consider how claims that human rights are a Western invention affect activism. For those fighting against hierarchical structures, accusations of elitist behavior or ideas can unravel positive efforts or make helpful concepts toxic. If social change efforts are naturally based on the concept of rights, as seems to be the case, then accusations of some form of colonialism could stifle the generation of a transformational movement or limit what it could become—ironically, leaving hierarchy intact for activists’ fear of being seen as elitist.

Regarding the discussion about how the struggle for human rights differs from other “emancipatory” visions, it seems that Sikkink takes the claims made in support of nationalism, communism, and anticommunism at face value. However, these notions aren’t authentic visions of emancipation. Nationalism represents elites’ use of a symbol, the nation, to distract from their own exercise of self-interested power. Communism as an ideal is based on an egalitarian society with workers owning and managing the economy, but in practice, like nationalism, simply represented an idea used to cover dictatorship with a “revolutionary” veneer. And “anticommunism,” or, stated more plainly, capitalism, is simply another form of hierarchy that set out to destroy not communism—because it didn’t actually exist—but any threats of economic development that didn’t cater to the interests of large capitalist states like the US. If we recognize nationalism, communism (as it was historically implemented), and “anticommunism” as various forms of hierarchy, then the destruction of innocent lives in their pursuit is expected. That’s how power systems work. Earnest attempts to advance human rights stand apart from these notions because human rights campaigns are based on a recognition of human equality. No movement based on this principle could fight for freedom by so easily tossing aside the countless lives claimed by these hierarchical visions. Seeking to harmonize the ends and the means is only a problem for movements authentically working for human rights.

During the Enlightenment, as democratic ideals were being spread across populations, those defending monarchy and aristocracy claimed that the people were unfit to govern themselves. In their view, freeing the public from elite rule would lead to “chaos.” As Sikkink observes, human rights are means of “liberating human potential,” reflecting “a worldview in which blending the unique capacities of individuals into an interdependent whole lies at the heart of thriving societies.” It is this vision we seek to realize, disproving elite myths about the inferiority of ordinary people as we take our fate more and more into our own hands. That human rights have expanded over time in the face of relentless attacks by established hierarchies speaks to the power of ordinary people and an innate human desire for dignity and freedom. Facing ecological crises that threaten all life on the planet, we will rely on these parts of our nature to maintain the struggle for sustainability and survival.

About the Author



Aaron Karp is an activist writing a book about why our ecological crises demand economic and cultural transformation and how the climate movement can lay the groundwork for these changes. He writes at freedomssurvival.org.



Evelin Lindner

Sikkink's closing sentences show the path into a decent future: "The contemporary drift toward a fortress world of wealth disparities, intolerance, and regressive nationalism signals a difficult struggle ahead to create a just and sustainable planet. The universal, supranational, emancipatory, and expansive character of human rights is poised to serve as a connective tissue binding disparate movements and awakening a global citizenry in a super-movement capable of accelerating a Great Transition."

I call for the globalization of care, trust, and responsibility, rather than the globalization of competition for domination and exploitation that we see today. Only in such a context can human rights ideals flourish. Unfortunately, as I observe it, obstacles are on the rise. The fear of change has rebounded, and backlashes have become stronger and more sophisticated during the past decades. Globalization of exploitation has been so aversive to many human rights defenders that they forget that dignified localization needs dignified globalization as a larger frame. All around the world, I encounter well-intentioned local initiatives, yet, as soon as they hit the larger frame, they produce disappointed, if not cynical, idealists—the larger frame works to first tire out and then eliminate those idealists. This larger frame, unfortunately, is increasingly being defined by a neoliberalism that reduces all sources of value to their market prices, and it must be expected that, if this trend continues, the human rights message will continue to fall victim to a destructive mission creep. This mission creep is mainly driven by the Global North. In the Global South, people risk their lives for it, while the Global North aims to make a profit by pushing everything, including even the human rights message, into "competitive" monetization.

Whenever the promise of equal dignity is being betrayed, the feelings of humiliation that result—I call them dignity humiliation—are stronger than those of honor humiliation. The blindness of the Global North toward their own double standards, for example, has heated up those feelings

of dignity humiliation in the Global South. And all this happens while the human rights movement, to succeed, needs the opposite of hot anger, namely, firmness and resolve carried out with measured moderation and restraint. The transition from a world of unequal honor to equal dignity—the transition from a dominator world to a partnership world—is like shifting from left-hand driving to right-hand driving. This transition should be done firmly enough and fast enough, otherwise accidents accumulate; at the same time, it should be done slowly and cautiously enough so that unity in diversity can flourish.

Perhaps we no longer need any “isms” if we want to achieve a decent future. Yet, if we do, what if we think of dignity-ism, or dignism? Dignism, for me, describes a world where every newborn finds space and is nurtured to unfold their highest and best, embedded in a social context of loving appreciation and connection. A world where the carrying capacity of the planet guides the ways in which everybody’s basic needs are met. A world where we are united in building trust and respecting human dignity and celebrating diversity, where we prevent unity from being perverted into oppressive uniformity, and where we keep diversity from sliding into hostile division.

Human Dignity and Humiliation Studies (HumanDHS) is a global transdisciplinary community of concerned scholars, researchers, educators, practitioners, creative artists, and others, who all collaborate in a spirit of mutual support to understand the complex dynamics of dignity and humiliation. We wish to stimulate systemic change, globally and locally, to open space for dignity, mutual respect and esteem to take root and grow. Our goal is ending humiliating practices, preventing new ones from arising, and fostering healing from cycles of humiliation throughout the world. We do our best to cultivate a relational climate characterized by dignity, walking our talk, and mutual growth. For more than a decade, our relational approach has been sustainable, it has offered a new model of collaborative action, a replenishing relational-organizational climate that is constantly evolving and growing with, rather than at the expense of, the people involved. Our work is a labor of love and maintained entirely by volunteers who give their time and energy as a gift. The nomination for the Nobel Peace Prize in 2015, 2016, and 2017 gave all our members great courage; it has been lifesaving for many who risk their lives and livelihoods to advance dignity in the world.

We know we aren’t alone with our work. Joining a chorus of visionary activists and practitioners, our community calls for the globalization of care, trust, and responsibility—in other words, the globalization of dignity.

For a longer version of this response, see www.humiliationstudies.org/documents/evelin/ReflectionsonSikkinkMarch2018.pdf.

About the Author



Evelin Lindner is the founding president of Human Dignity and Humiliation Studies, a global transdisciplinary fellowship, and co-founder of the World Dignity University Initiative. She has taught in numerous international settings and published widely. Her books include *Making Enemies: Humiliation and International Conflict*; *Gender, Humiliation, and Global Security*; *A Dignity Economy*; and *Honor, Humiliation, and Terror*. She holds an MD and a PhD in psychology from the University of Hamburg.



Noha Tarek

I would like to begin by thanking Kathryn Sikkink for this wonderful article. It is enlightening to me to read about how in the beginning of human rights discourse, this concept was actually advocated by the Global South and resisted by the Northern states, such as the US, the USSR, and the UK. It is unfortunately widely perceived in Egyptian and Arab media that human rights discourse has mainly been advocated only by the West, and thus it is viewed with much suspicion, as a tool used to enforce cultural imperialism, assert Western states' soft power, and challenge non-Western cultural traditions.

I especially agree with the view that states are the biggest violators of human rights, but accordingly, I don't understand how they can also be the biggest protectors of human rights. Whether repression of political freedoms and cultural expressions of minorities in many states in the South and East, or committing mass murders and genocides by the militaries of states in the West and North against the peoples of the South, or structurally repressing the economic rights and opportunities of poor people that is committed by all the states around the world (hand in hand with corporations' managers), the state certainly is the main violator of human rights in our present time.

Sikkink talks about many achievements of human rights organizations and movements but does not explain more about those achievements. Have they really been as transformative as implied? I wonder. The cases where there was an intervention to save human lives and stop genocides were not results of human rights organizations pressures, but rather results of economic and political interests that states in the North wanted to achieve by such intervention. The US intervention in Kuwait in 1991, when it was attacked by Iraq (for protection of oil), the US intervention in Kosovo in 1998 (to strategically balance its regional power with Russia), and NATO's intervention in Libya in 2011 (for protection of oil).

On the other hand, in many cases where genocides took place where there was no strategic interest for Northern states, the genocides have continued on unabated—Russian genocide in Chechnya; US genocide in Somalia, Afghanistan, and Iraq; Israel’s genocide in Palestine; Iran and Russia’s genocide in Syria, to name a few.

Even more appalling is the way an intergovernmental organization—the UN Security Council—is used by states to block any international interventions to stop any of those genocides, by using the veto. Even the use of legal instruments like the ICC has been limited to adjudicating war criminals “after” they committed their crimes, and the individuals prosecuted by those institutions are only those that the powers of the international system would “allow” to be prosecuted, for such prosecutions would not damage the interests of those powers. For example, George Bush or Vladimir Putin would never be persecuted as war criminals for their crimes against Iraqis and Afghans or Chechens and Syrians, respectively. Officials from international powers are immune from prosecution.

The infrastructure of human rights organizations and movements seem to be somewhat weak or illusory. Human rights discourse often dominates the media, with organizations carrying out broad media campaigns to try to exert pressure. But nothing of this pressure brings out its desired results unless the “interests” of international powers incidentally coincide with it, and those states “manipulate” this discourse as a cover to legitimate their actions that are done to serve their interests. Meanwhile, if the rights-violating governments have good relations and mutual interests with international powers, they can go on repressing and violating the rights of their people however they want, because they well know that only power balance and national interests direct the international system, and these human rights campaigns are mere “talk.”

It seems to me that that human rights organizations often focus more on private sphere violations than public sphere violations, when it is the public sphere violations committed by states and militaries that are the main factor that provide the structural social, economic, and political grounds and “conditions” that let the private sphere violations thrive and flourish. Although private sphere violations are often attributed to religious scriptures, the roots really lie in the structural conditions that obstruct people from obtaining higher education and awareness, so that they don’t use those scriptures in ways to satisfy their psychological needs for domination and violence. In other words, the scriptures are just cultural tools of justification, the intermediate variable between the independent variable of structural

conditions and the dependent variable of rights violations. Of course, this phenomenon is more complicated than this, and it's not exactly a "linear" causal relationship. There are feedbacks and inter-loops. But what bothers me is that tendency in human rights discourse to focus more on the end product, the violence committed, by, say, Islamist fundamentalist men against women and children, without giving any mention to those agents who created the structural conditions that drive such violations to take place.

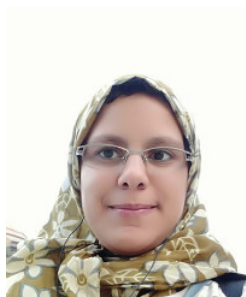
Yes, fundamentalist Islamist groups' men violate the rights of women and children, but who created those groups in the first place? When the US and the UK invaded Iraq in 2003 and committed countless violations against women and children there, unrecorded and hidden violations were ignored by human rights groups although they far exceed any number of violations committed by Islamists. Governments only document violations committed by non-state groups that they fight, but hide their own violations: rapes against women and children; torture of children in secret military places to force their families to talk, tortures that were acknowledged and approved by the highest officials in the US government; the US's use of nuclear radiation to murder and disfigure many generations of Iraqi children (the nuclear radiation was used against families, mostly women and children, hiding in underground places to escape warplane raids); the US's intentional role in sparking a deadly civil war in the country and destroying its economy and infrastructure. In such conditions of unbelievable military violence, national degradation, economic destruction, what kind of people do you expect to arise? It is no surprise that for people like ISIS, those people who have witnessed great destruction and violence, their psychological status have become so twisted that they desire to commit the same violence that they witnessed against others.

The same could be said for the case of Russia's invasion of Syria, the USSR and US's successive invasions and destruction of Afghanistan since 1979, Sub-Saharan Africa and the destruction of their people's economic prosperity by present neo-imperialism of the North, etc.

Fundamentalism and violence against women and children at home are not caused by religious scriptures. The books could be used for any purpose; they are caused by wars, poverty, and deterioration of the human living condition, that turns the human psyche into a violent, domineering, and unstable mind. And who is causing this war and poverty in the South? The governments, militaries, and corporations of the North! But sadly, human rights organizations tend to focus the blame on the

fundamentalists of the un-modernized societies of the South instead. Perhaps the Western countries are too strong and powerful and internationally-domineering to be blamed!

About the Author



Noha Tarek is a social science researcher studying the interplay of change in political culture and revolution, drawing from her experience as an activist in the Egyptian revolution. Her research reflects Big History perspectives on human cultural evolution and transformation.



Allen White

Agency has played a central role in shaping the arc of human rights in the postwar period. Sovereign states, multilateral organizations, civil society, faith organizations, families—all have played the role of norm-setter, enabler, and violator. Kathryn Sikkink's incisive piece focuses on states and multilaterals. Various commenters describe the contributions of civil society, faith groups, and families. Álvaro de Regil Castilla forcefully adds the corporation—and the larger global capitalist system within which it operates—as a critical actor (or roadblock) in building a rights-based, flourishing planetary future.

The link between the corporation and human rights in a globalizing world derives in large measure from the growing concentration of market power across a broad swath of industry sectors. Annual revenue of the five largest global corporations exceeds \$250 billion, more than the GDP of 75 percent of the world's nations. In the technology, aircraft, farm equipment, e-commerce, and many other sectors, a handful of companies dominate global production. In nations such as China and Russia, favoritism toward state and quasi-state enterprises adds to such domination. The Chaebols of Korea; the former state-owned, privatized Russian extractive industry enterprises; and the Japanese zaibatsu all represent organizations with immense economic and political clout.

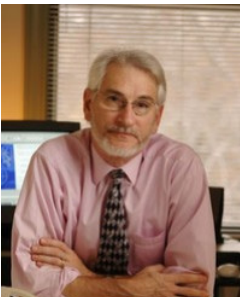
With scale comes market power, and with market power comes the unleashing of tendencies toward rent-seeking via profit and share price maximization. Such behavior, in turn, is prone to compromising the human rights of workers, communities, and customers associated with both direct company operations and their far-flung global supply chains. While numerous initiatives such as the UN Global Compact, the Global Reporting Initiative, and Corporation 20/20 have achieved incremental improvements, the structural conditions underlying human rights transgressions in business operations remain essentially intact.

The interplay between corporations and human rights points to the larger sociopolitical landscape within which the struggle will unfold in the coming decades. Just as the boundaries of human rights have steadily enlarged—Sikkink’s “expansive” attribute—synergizing with kindred movements is a prerequisite to accelerating progress toward a full-bodied, rights-based future.

Gender equality, indigenous peoples, new economy, climate justice, guaranteed minimum income, universal health care, nuclear disarmament—these and other social movements intersect with human rights in both spirit and substance. All are rooted in justice, security, freedom, inclusiveness, and resilience. The shared values constitute the foundation for a unified yet plural meta-movement that awaits crystallization.

Human rights are a beacon of the possible, a story of moving a bold vision from the implausible to the inevitable. It is a historic moment for a multi-domain, multi-scalar meta-movement to follow the same trajectory toward the systemic change that Earth so desperately needs.

About the Author



Allen White is Vice President and Senior Fellow at the Tellus Institute, where he directs the institute’s Program on Corporate Redesign. He co-founded the Global Reporting Initiative and Corporation 2020, and founded the Global Initiative for Sustainability Ratings. He has advised multilateral organizations, foundations, government agencies, Fortune 500 companies, and NGOs on corporate sustainability, governance, and accountability. Dr. White has served on boards, advisory groups, and committees of the International Corporate Governance Network, Civic Capital, Instituto Ethos (Brazil), the New Economy Network, Business for Social Responsibility, and the Initiative for Responsible Investment at Harvard University. Dr. White has held faculty and research positions at the University of Connecticut, Clark University, and Battelle Laboratories and is a former Fulbright Scholar in Peru.



Author's Response



Response to Comments

I want to thank all the individuals who responded to my essay for their thoughtful and thought-provoking comments and arguments. These comments covered such a wide range of issues and concerns that it is impossible to begin to do justice to them in my response. Instead, I have tried to identify some themes that were raised by more than one writer; and will address these themes, rather than trying to respond to the commentaries one by one.

One prominent theme in a number of the comments was the importance of human responsibilities, obligations, or duties. Evelin Linder called for the “globalization of care, trust, and responsibility.” Joseph Camilleri stressed the contributions of various non-Western cultures and religions that are more “preoccupied with duties as opposed to rights.” Camilleri also mentioned in particular the contributions of Gandhi, who drew on the “ethic of community, responsibility, and loyalty.”

I am particularly taken by these arguments because they are at the center of my next book, *Human Rights and Responsibilities*, based on the Castle Lectures which I delivered last October at Yale University (see <https://epe.yale.edu/videos/castle-lecture-series-mystery-missing-duties-why-are-individual-duties-absent-human-rights>). In the new book, I am arguing that to move human rights advocacy forward in the future, we will need to work politically and ethically to devote more attention to human obligations to promote rights. My previous book, *Evidence for Hope: Making Human Rights Work in the 21st Century*, was a full-throated defense of the legitimacy and effectiveness of human rights against a series of critiques that I believed were unsubstantiated historically and empirically. But in this new book, I elaborate my own critique of human rights advocacy for the insufficient attention it has devoted to collective and individual obligations.

In 2018, we celebrate the seventieth anniversary of the Universal Declaration of Human Rights (UDHR) and the American Declaration of Rights and Duties of Man, a Latin American declaration

which preceded the UDHR by eight months. Looking back, we see that the work of constructing an ever more elaborate structure of rights has been impressive, but the gap in implementation is so great between the ideals in human rights law and the actual practice on the ground that it has created disillusionment and despair. (This was a point stressed by a number of the commentators, including Camilleri, Tarek, Anderson, Eisler, and Cabrera.) But rather than despair, the work needs us to drill down, to focus on better forging the links between rights and those who bear obligations for the fulfillment of rights. This is a project that is well underway in the world. It is not in its infancy at all, but somehow the rhetoric hasn't caught up with the action. Many potential agents of justice and rights exist, not just countries, but also international organizations, non-governmental organizations, social movements, universities, and individuals. Changing practices that lead to violations of human rights and other structural injustices needs to be a collective social process, requiring multiple actors to work together in networks with one another. Some are already working in networks to try to fulfill their obligations, and yet our discourse has fallen behind our practices. We human rights scholars and activists have not found ways to properly talk about and theorize these networked obligations to fulfill rights.

Yet, many human rights scholars and activists still are skeptical or worried about the idea of stressing the role of political responsibilities, obligations, and duties to respect or ensure rights. As such, I was pleased to see how many of the commenters stressed these issues. I am thinking about these networked obligations as "political" in the sense stressed by theorists like Hannah Arendt and Iris Marion Young. They are political because they involve working together with others to "reorganize collective relationships, debating with one another how to accomplish such reorganization, and holding one another to account for what we are doing and not doing" to promote human rights and diminish structural injustices.¹ Exercising such political obligations involves acting, exchanging ideas, and organizing in public space, as Arendt reminds us. But such collective action and networked obligations also may involve individual action that is a forerunner or conduit to work in public space. So, for example, organizing politically in the public space is essential, but so is the individual action of carrying out the civic duty of voting, in order to bring about necessary political change.

Let me illustrate this point with the case of the environment and climate change, an issue of vivid concern to many of the commentators. Some progressive writers and activists are so focused on rights that they bend over backwards to frame issues as rights claims, rather than speaking of responsibilities. For example, environmental activists have increasingly talked about our rights to a clean environment,

the rights of trees, the rights of the Rivers, or the rights of Earth Mother herself, as reflected in the Pachamama laws of Bolivia and Ecuador.² While I am not opposed to rivers, trees, or Mother Earth having rights, I think it is more practical and straightforward to stress the responsibilities of countries, corporations, states and municipalities, organizations, and individuals to protect trees, rivers, and the environment as a whole than to maintain our focus on these unconventional rights.

My purpose here is not to argue against rights as an approach to the environment or to other issues. I am a firm believer in rights, as anyone who read my GTI essay knows well. Nevertheless, in the next book, I am making an argument that is new for me, in favor of attention and action to human rights and the necessary networked obligations by multiple actors to protect and ensure rights. Some rights, to be genuinely enjoyed, require networked efforts by all of those connected to the issue, including individuals. I argue that in the world of human rights, a world to which I have devoted much of my scholarship and my advocacy, the language of political and ethical obligations is missing, and that loss is detrimental to the effectiveness of rights movements. We who believe in rights, we who think human rights comes as close as possible to a universal moral vocabulary and legal system capable of addressing repression and injustice, need to reincorporate political and ethical obligations into our world of rights. We need to begin talking explicitly about the ethics of obligation in the context of our work to promote rights.

A second theme discussed by various authors was about the relationship between human rights and the market or capitalism. There was not agreement among the commentators; some, like Aaron Karp writes that “if the right to own property extends beyond personal objects...then human rights could be said to defend a power system based on private wealth and top-down control.” Greg Anderson discusses that rights have an “uncomfortable complicity with the western capitalist common sense that has historically authorized, inter alia, imperialism, colonialism, mass industrial servitude, and environmental degradation.” Álvaro de Regil Castilla, on the hand, argues that “human rights, freedom, and true democracy are completely anathema to capitalism,” and as a result, the condition for “achieving the entire spectrum of human rights is to put an end to capitalism.” Evelin Lindner stresses that the “Global North aims to make a profit by pushing everything, including even the human rights mission, into competitive monetization.” These arguments are connected to related arguments in some academic and policy circles where it has become commonplace to hear people claim that human rights are somehow “complicit” with neoliberal economic policies. Mary Nolan, for example, argues

that human rights and neoliberalism, or market fundamentalism as it is sometimes called, are similar because they both “adhered to methodological individualism.”³

Conceptually, however, the ways in which human rights and neoliberalism or capitalism focused on the individual are completely different. Human rights law and the human rights movement has treated the individual as a normative and legal matter—that is, human rights ideas stress that the well-being of the individual in the broadest sense should be the main object of our concern and that individual human rights should legally and morally take precedence over other policy matters or concerns. This makes the individual focus of human rights not at all like the methodological individualism of neoliberal or capitalist economics, which focuses on the individual as a rational, self-maximizing actor in a model where self-interest provides the motivation for economic production. The human rights agenda, on the other hand, often requires us to limit self-interest to take into account the needs of others.

Moreover, the human rights movement does not attempt to limit the role of the state in the same way as neoliberalism. Human rights organizations critique the state when the state was abusing the rights of individuals, but more often they have called upon the state to take up a more capacious role to further rights, often by protecting civil, political, economic, and social rights. The protection of civil and political rights requires not only that the state stop doing things, like torture, but also that it expand its capacities to do other things: for example, to protect due process by funding and training high-quality public defenders for the poor. In the area of social and economic rights, human rights advocates constantly urge governments to expand educational opportunities, health services, and social security. Neoliberalism, on the other hand, often urges the state to cut back its services.

As a result of my study of the historical and empirical evidence, I do not agree that human rights are complicit with or have shared definition of individualism with capitalism. Rather, the degree to which fuller protections of human rights can coexist with capitalism depends on the politics and social policy of states, like the social democracies in Scandinavia, often adopted as a result of human rights ideals.

A final theme I wish to address has to do with concerns raised by Alice Froidevaux about recent “highly alarming trends of restricting the scope of action for activists and civil society organizations” by means of the introduction or reforms of NGO or anti-terrorism laws that criminalize people trying to defend human rights. Luis Cabrera also invites me to share my thoughts about the “increasing sophistication

of authoritarian governments and also democratic governments” working to undermine rule of law and human rights, including in the US. I recognize that many alarming human rights situations exist in the world today, and I am particularly worried about the current situation in the United States. But I also want to remind readers that human rights defenders have long been on the front line, and we should be cautious in suggesting that there was a better period for human rights in the second half of the twentieth century, for example, that has now been eroded in the twenty-first century. Some government actions, and particularly those involving new and invasive laws about registration and funding, are indeed new and threatening. Other threats have been almost a constant for civil society human rights organization over time.

By their very definition, human rights are needed when things are bad, and human rights activists are also rarely popular in the countries where they work. Repressive governments especially have a long history of attacking and vilifying human rights groups. Human rights organizations often defend the rights of unpopular minorities such as political leftists in Latin America, refuseniks in the former USSR, the Roma in Europe, and transgender people in the US.

In concluding, let me reiterate that nothing I say detracts from acknowledging the frightening challenges groups and individuals face, or the urgent need to strategize about how to respond to these challenges. But I am not persuaded that human rights are in a worse place than they have been before, and I believe that the frame of constant crisis itself could have negative consequences.

I would thus like to end my response quoting from the comment by Allen White, with which I am in complete agreement. “Human rights is a beacon of the possible, a story of moving a bold vision from the implausible to the inevitable.” I continue to believe that human rights movements offer important lessons and tools for a multifaceted global movement capable of driving transformative change in culture and institutions.

Endnotes

1. Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), 153.

2. See, for example, Christopher Stone, “Should Trees Have Standing? –Toward Legal Rights for Natural Objects,” *Southern California Law Review* 45 (1972): 453–55.

3. Mary Nolan, “Human Rights and Market Fundamentalism,” Max Weber Lecture, March 19, 2014, Badia Fiesolana, Fiesole, Italy, http://cadmus.eui.eu/bitstream/handle/1814/31206/MWP_LS_Nolan_2014_02.pdf.